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A HANDY GUIDE
TO THE
LABOURERS (IRELAND) ACTS
1883-1885

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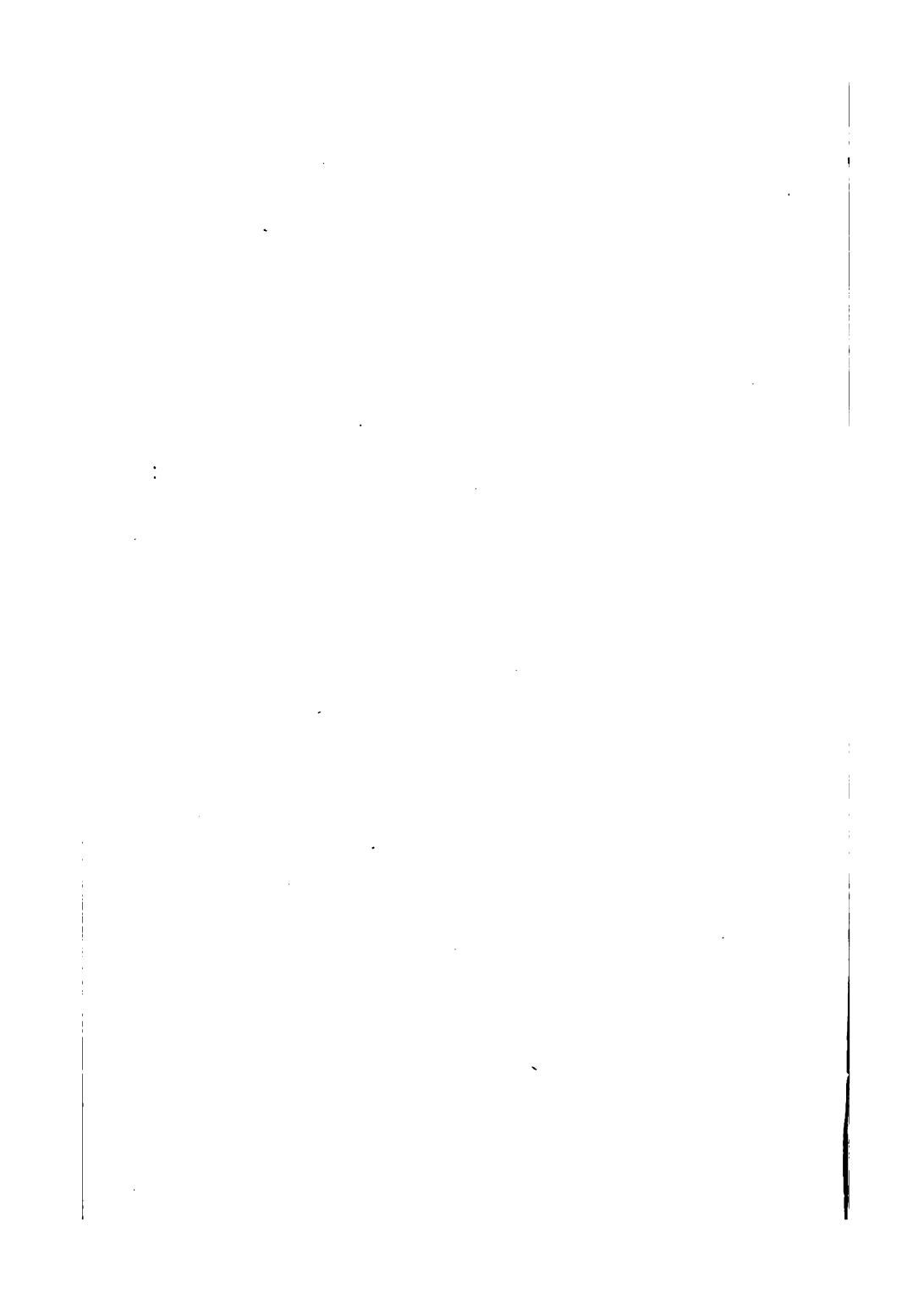
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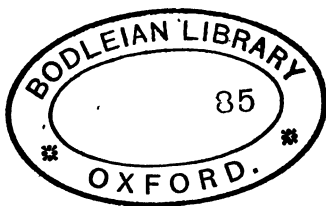
LABOURERS (IRELAND) ACTS

1883 & 1885.



A
HANDY GUIDE
TO THE
LABOURERS (IRELAND) ACTS, 1883 & 1885
AND ACTS INCORPORATED THEREWITH
TOGETHER WITH
THE TEXT OF THESE SEVERAL ACTS, AND A TABLE OF
PROCEDURE, FORMS, RULES, AND INDEX.
BY
GEORGE FOTTRELL
AND
JOHN GEO. FOTTRELL
SOLICITORS

DUBLIN
M. H. GILL AND SON
50 UPPER SACKVILLE STREET
1885



M. H. GILL AND SON, PRINTERS, DUBLIN.

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BY THE SAME AUTHORS.

IN PREPARATION.

PRACTICAL GUIDE

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A

HANDY GUIDE

TO THE

LABOURERS (IRELAND) ACT, 1883

46 & 47 Vict. c. 60.

AND TO THE

LABOURERS (IRELAND) ACT, 1885

48 & 49 Vict. c. 77.

IN this Guide the sections of the Labourers (Ireland) Act, 1883, are referred to by the figures "1883," the letter "s," and the number of the section ; and the section of the Labourers (Ireland) Act, 1885, are referred to by the figures "1885," the letter "s," and the number of the section. In referring to the sections of any other Act, the short title of the Act and the number of the section are given.

CHAPTER I.

*Objects of the Acts.—By whom they can be put in force,
and at whose instance.*

THE Act of 1883 came into force on the 25th August, 1883.

The Act of 1885 came into force on the 14th August, 1885.

The object of the Acts is to provide for agricultural labourers suitable dwellings in any rural sanitary district in Ireland, in which suitable dwellings for them do not already exist.

The funds for the erection of these dwellings will be advanced by the Board of Works to the "rural sanitary authority," on the security of the rates of the district (1883, s. 18, and Public Health (Ireland) Act, 1878, s. 237).

An "agricultural labourer" means a man or woman whose occupation during the ordinary season of agricultural work is the doing of agricultural work for hire on the land of some other person or persons, and includes a herdsman. The term does not include any person who

is not wholly or partially paid for his or her labour by wages (1885, s. 23).

A "rural sanitary district" means a poor law union other than a city or town with over 6,000 inhabitants, and other than a town of less than 6,000 inhabitants which has, by a Provisional Order of the Local Government Board, been constituted an "Urban Sanitary" District; and the "rural sanitary authority" of the sanitary district, means the board of poor-law guardians of the union (1883, s. 3, and Public Health Act, 1878, ss. 4 & 6).

Upon the board of guardians in each district devolves the duty of carrying out the provisions of the Acts within that district, but they cannot move until a representation has been made to them by at least twelve ratepayers of the district, that the existing accommodation for agricultural labourers in the district is deficient, or is unfit for human habitation, owing to dilapidation, want of light, or owing to other sanitary defects (1883, s. 4).

Therefore the first step to be taken in order to put the Act into force in any district is, for at least twelve ratepayers of the district to prepare and sign a representation.

Inasmuch as the boards of guardians and the Local Government Board must satisfy themselves that the representation has been signed by "twelve persons rated for the relief of the poor *within the sanitary district*," it is

of importance that the persons who sign a representation should not alone sign their full names but should also give their full addresses, so that there may be no difficulty in proving that the signatories are ratepayers of the district.

(A form of representation which complies with the requirements of the Labourers Acts will be found at page 127 *post*. Copies of this form on suitable paper can be obtained from Mr. Dollard, Printer, Dame-street, Dublin, at 1s. per dozen.)

If the representation alleges merely a deficiency of house accommodation in the district, no certificate need accompany it; but if the representation alleges that the existing dwellings are unfit for human habitation, it must be accompanied by a certificate from the "sanitary officer of the district," corroborating the alleged sanitary defects (1883, s. 5). The sanitary officer of the district is the medical officer of Health (Public Health Act, 1878, s. 11).

(Forms of medical certificates can be obtained from Mr. Dollard, Printer, Dame street, Dublin, at 1s. per dozen.)

The representation should be forwarded to the board of poor-law guardians of the union, who shall thereupon give at least fourteen days' public notice of a meeting of the board to consider the representation, and shall moreover send to each member of the board a special notice

of such meeting, at least fourteen days before such meeting is held ; and if any adjournment of the meeting takes place, three days' notice of the adjourned meeting must be sent to each member of the board (1883, s. 4).

The board, before resolving to carry out the provisions of the Act within the union, must consider, firstly, whether the representation made by the twelve or more ratepayers is true ; and, secondly, whether the resources of the union are such as to justify the guardians in imposing on the ratepayers of the union a liability for the expenses necessary for carrying into effect the scheme suggested in such representation (1883, s. 4).

It is to be noted that the first suggestion as to the area of charge, *i.e.*, the area by which the cost of the scheme is to be borne, is made by the ratepayers in their representation, but the board of guardians are not bound to adopt this area : they may enlarge the area on which the charge is to be thrown or they may restrict it ; the area may be as large as the entire union or as small as a townland, or even portion of a townland (sec. 232 of the Public Health Act, 1878, and s. 18 of the Labourers (Ireland) Act, 1885 (see page 91) ; and if it should appear that the representation has not been signed by twelve ratepayers *resident within the area of charge proposed by the board of guardians*, it will be necessary to amend the representation by getting to it the signatures of as many additional ratepayers resident

within the area of charge as will make up twelve in all. It is not necessary that such additional ratepayers should actually sign the representation. It will be sufficient if they signify in writing their approval of it. They must for the validity of the scheme signify such approval within one month after the making of the scheme (1883, s. 5.)

Before the passing of the Labourers (Ireland) Act, 1885, the right of final decision as to the area of charge was vested in the Local Government Board, but it is now vested in the board of guardians (1885, s. 18).

CHAPTER II.

Preparation of Improvement Scheme by the Rural Sanitary Authority.

IF the guardians are satisfied that the representation is true, and that the resources of the union are sufficient, it will be their duty to pass a resolution that a scheme to carry out the suggested improvement ought to be made. In deciding whether or not the resources of the union are sufficient, the board must have regard to the proviso contained in the 17th section of the Labourers (Ireland) Act, 1883, which enacts "that no rate or rates to be levied for the purposes of this Act shall in any one year exceed in the whole one shilling in the pound upon the rateable value of the property to be rated." Therefore, even though the resources of the union, taken as a whole, might be sufficient, yet, if a smaller area of charge than the entire union be fixed by the board of guardians, and if the effect of the scheme would be to throw on such area of charge, a tax in respect of the Labourers Acts of more than one shilling in the pound on the rateable value of the property, within such area of charge, the scheme could not be sanctioned by the Local Government Board (1883, ss. 4 and 17).

The meeting at which the board shall consider and pass a resolution in respect of a representation made to them under the Labourers Act, must, in order to comply with the statute, be one of which not less than fourteen days' public notice shall have been given, and of which special notice shall have been sent to each member of the board not less than fourteen days before the day of meeting (1883, s. 4.) It is not necessary that the resolution to make a scheme shall be passed at the meeting of which such notice shall have been given. The board may, if they think fit, adjourn the meeting or postpone their decision upon the representation submitted to them, but in this case, it will be necessary at the time of such postponement to specify the date at which such postponed meeting is to take place, and of such postponed meeting not less than three days' notice must be sent to each member of the board.

If a resolution be passed in favour of preparing an improvement scheme, there should at the same time be passed a resolution fixing a day on which a meeting would be held for executing such scheme, and of this latter meeting, at least three days' notice should be sent to each member of the board. As the scheme is the basis of all the future proceedings in carrying the Acts into effect, it should be prepared with great care.

To the scheme should be annexed maps, particulars of the works proposed to be executed, and estimates of

the cost of such works; it must show the number and position of the several cottages proposed to be erected. Proper approaches and sanitary arrangements must be provided for each dwelling, and also a plot of ground *not exceeding* half a statute acre (1883, s. 6.)

The scheme must also show whether it is proposed to take any, and if so, what land compulsorily as sites for the cottages, and whether it is proposed that the carrying out of the work should be undertaken by the board of guardians or by the person owning the land on which the cottages are to be built, or partly by one and partly by the other, and if wholly or partly by the owner the conditions agreed on between the owner and the guardians in relation to the scheme must also be set out (1883, s. 6).

In most cases it will be found necessary to ask in the scheme for compulsory powers to take land, because, unless such powers be obtained, any person, owner, lessee, or occupier interested in the land would be able to render the scheme abortive by simply refusing to sell or lease the required land, or by demanding an exorbitant price for it.

(A form of scheme which complies with the provision of the statutes is given at page 130. Copies of this form on suitable paper can be obtained from Mr. Dollard, Printer, Dame-street, Dublin, at 2s. 6d. per dozen.)

When the scheme has been prepared it should be

sealed by the chairman of the board, and signed by him and by the clerk of the union. If the board of guardians, having received a representation in favour of an improvement scheme, omit to pass a resolution to carry out such a scheme, or if they pass a resolution against carrying out such a scheme, they should forward to the Local Government Board a copy of the representation made to them, together with their reasons for not acting on it, and thereupon the Local Government Board may direct a local inquiry to be held, with a view of ascertaining the truth of the representation on which the guardians so neglect or decline to act (1883, s. 10).

CHAPTER III.

Procedure for obtaining Confirmation of the Improvement Scheme by the Local Government Board.

WHEN the scheme has been prepared, an advertisement must be inserted by the guardians in two or more newspapers circulating in the district. Such advertisement must be published for three consecutive weeks. Until the passing of the Labourers (Ireland) Act, 1885, it was necessary that these advertisements should have appeared in three successive weeks of either the months of September, October, or November (1883, s. 7); but now there is no such limitation, and the advertisements can be published in any three successive weeks during the entire year (1885, s. 19.)

(A form of advertisement which complies with the provisions of the Act is given at page 132.)

If it is proposed to take any land, either by purchase or on lease, compulsorily, the guardians must, during the month next following the publication of the advertisements, serve a notice upon every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily.

The notice must state whether it is proposed to take the lands for a term of years, *i.e.* on lease, or whether it is proposed to take them as an absolute purchase (1883, s. 7, and 1885, s. 19.)

The modes prescribed for service of this notice are as follows :

- (a) By delivery of the same personally to the person required to be served, or if such person is absent, abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises ; or,
- (b) By leaving the same at the usual or last known place of abode of such person as aforesaid ; or,
- (c) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers, without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house (1883, s. 7).

(A form of notice which complies with the terms of the Act is given at page 133.)

The next step is for the guardians to forward the scheme to the Local Government Board, with a petition praying for an order confirming the scheme.

(A form of petition which complies with the provisions of the Act is given at page 135.)

If the Local Government Board consider that the scheme should be proceeded with, they will direct a local inquiry to be held to ascertain the correctness of the representation made to the guardians, the sufficiency

of the proposed scheme, any local objections made to it, and the propriety of confirming such scheme. This inquiry will be held by an officer of the Local Government Board, who will give due notice of the inquiry by public advertisement.

A duplicate of every map, and of all particulars and books of reference relative to the scheme transmitted to the Local Government Board, must be deposited by the board of guardians for public inspection with the clerk of the union, or of every union, if more than one, to which the scheme relates.

Until the passing of the Labourers (Ireland) Act, 1885, there did not exist any provision whereby any errors in an improvement scheme could be amended, or any substitution made of lands not named in the scheme in place of lands therein named; but by the Act of 1885, the procedure in carrying out a scheme for the erection of labourers' cottages has been rendered more elastic in some important particulars.

For example. After the board of guardians shall have made a scheme, but before any provisional order thereon shall have been made by the Local Government Board, the board of guardians may propose for the consideration of the Local Government Board any amendments in such scheme which such board of guardians may consider necessary (1885, s. 15); or the Local Government Board may suggest amendments in

the scheme, and refer it back to the board of guardians to consider such amendments, or may correct any mistakes or technical defects in any scheme (1885, s. 15).*

When an improvement scheme shall have been made, and notice of it shall have been served upon the owners, lessees, and occupiers of the lands proposed to be taken compulsorily, such owner, or reputed owner, in his answer to such notice, may state that he dissents from the taking of the lands proposed to be taken; and may in such answer offer to the board of guardians, instead of such lands, other lands in the same locality of which he is the owner, and which he may, with consent of the occupier, agree to be appropriated for the purpose of the scheme. And if on the inquiry to be held by the Local Government Board in relation to the scheme, it can be shown that it is desirable to take the substituted lands in place of those originally proposed to be taken, the board of guardians can obtain in relation to the substituted lands, all the powers which they could have obtained in relation to the lands originally named in the scheme (1885, s. 20).

Owners and lessees served with notice as to the compulsory taking of their lands for the purposes of an improvement scheme, must give their answer to such notice within one month after service thereof (1885, s. 21).

* See the Regulations of the Local Government Board issued on the 9th of September, 1885, regulating the time for advertising amendments to a scheme, page 170 *post*.

CHAPTER IV.

Provisional Orders by Local Government Board.—Proceedings thereunder: (a) If it is not proposed to take lands compulsorily. (b) If it is proposed to take lands compulsorily.

On receiving a report as to the result of the local inquiry, the Local Government Board may make a provisional order authorising the scheme to be carried out. If it is proposed to take land compulsorily, the provisional order must be served by the guardians on the owners, lessees, and occupiers of such land, in the modes mentioned in Chap. III. Tenants holding under monthly or shorter agreements need not be served.

Until the passing of the Labourers (Ireland) Act, 1885, the mere fact of asking in the scheme for compulsory powers for taking land rendered it necessary in every case to obtain an Act of Parliament to confirm the provisional order, whether there were objections to the order or not; but some important amendments in relation to provisional orders under the Labourers Acts have been effected by the Act of 1885. In the first place, it is now no longer necessary to obtain an Act of Parliament to confirm any provisional order under these

Acts. Whenever any confirmation shall be necessary, it is not to Parliament, but to the Irish Privy Council that application will be made. But not only is the Privy Council substituted for Parliament as the appellate tribunal, but the chances of having to resort to any appellate tribunal have been diminished. Under the Act of 1883 an appeal to Parliament was necessary in every case when compulsory power was asked for; and even if such powers were not asked for, still an appeal to Parliament was necessary if *three* ratepayers petitioned against the provisional order (1883, ss. 7 and 8).

Under the Act of 1885 no appeal can be had to Parliament at all, and no appeal can be had to the Privy Council in cases where compulsory powers are *not* asked for, unless at least *twelve* ratepayers within the area of charge appeal against the order, and no appeal can be had to the Privy Council even when compulsory powers are asked for, unless an owner or occupier of land proposed to be taken compulsorily petition against the order (1885, s. 12).

Petitions against the provisional orders must be lodged with the Local Government Board within such time being not less than one month after the making and publication of the order as the Local Government Board may by regulation prescribe* (1885, s. 12).

* The Local Government Board have, by order dated the 9th of September, 1885, prescribed that the period shall be "within one calendar month." See page 177 *post*.

If a petition be lodged against a provisional order, it is the duty of the Local Government Board to apply to the Privy Council for an order in council confirming the provisional order, and to inform the board of guardians that the petition has been lodged, and an application has been made for confirming the order (1885, s. 12).

On the hearing before the Privy Council the board of guardians may appear in support of the application.

The Privy Council may confirm, disallow, or amend the provisional order, and may award costs (1885, s. 12).

The Privy Council has power to make rules for regulating the procedure before the Privy Council in relation to the confirmation of provisional orders.

The proceedings subsequent to the provisional order will vary according as it is proposed—

- (a) To take lands by agreement only, whether such agreement be for an absolute purchase or for a lease.
- (b) To take lands compulsorily as an absolute purchase.
- (c) To take lands compulsorily by lease for a term of years.

As regards (a), viz., when it is proposed to take lands by agreement only, it is unnecessary to make any observation. The purchase will be carried out exactly as any purchase from an ordinary vendor to an ordinary

purchaser would be conducted. If the agreement be for a lease instead of for an absolute purchase, it will be carried out in the same way as any ordinary agreement for a lease between a lessor and lessee; but if the lessor should happen not to be an absolute owner, but only a tenant for life, it will be well to get the lease confirmed by the Land Commission (1885, s. 3).

The procedure to obtain such confirmation is described at page 29 *post*.

As regards (b), viz., where it is proposed to take lands compulsorily as an absolute purchase, the following is the course of procedure :

In the first place the board of guardians must prepare maps or plans on a scale of not less than 200 feet to an inch, and also compensation schedules of the lands proposed to be compulsorily purchased, and then deposit the originals (after they have been signed by the architect and the Clerk of the Union) in the office of the Board of Works, Dublin, and deposit copies thereof in the offices of the Clerk of the Peace of the county, and of the Clerk of the Poor Law Union in which the lands are situate.

These maps or plans and compensation schedules should be prepared in strict compliance with the requirements of the Lands Clauses Acts.

The Board of Works, on receipt of an application from the board of guardians, will appoint an Arbitrator,

whose duty it will be to determine the amount of compensation which the guardians are to pay to the several persons who shall have an interest in the lands proposed to be purchased.

The Arbitrator will hold a preliminary public inquiry, of which due notice must be given by advertisement, and having heard the evidence adduced on such inquiry he will frame his draft award.

Notice of the making of the draft award must then be published once in the *Dublin Gazette*, and once in each of three successive weeks in some newspaper circulating in the district in which the lands proposed to be taken are situate. A notice must also be served on all owners, lessees, and occupiers, stating the sums awarded to them by the draft award. Within a period not less than fourteen days from the date of the *last* publication of the above-mentioned notice the Arbitrator will hold a second public inquiry, at which he will hear objections to the draft award, and having considered such objections, if any be offered, he will make up his final award under his hand and seal, and will lodge copies of such award in the Offices of the Clerk of the Peace of the county, and of the Clerk of the Union in which the lands are situate.

When the final award has been sealed, the solicitor for the board of guardians must publish notices requiring the claimants to deliver particulars of their claim, together

with a short abstract of their title. It will be the duty of the board's solicitor to examine and report on the titles of the various claimants, and according as the titles are proved to be satisfactory or the reverse, the compensation monies will be paid over to the parties entitled on proper conveyances being executed by them, or the money will be lodged in the Bank of Ireland under the provisions of the Lands Clauses Acts.

The final award may be traversed by the board of guardians or by a claimant. The traverse will be heard before a judge and jury at the Assizes, and the verdict of the jury is conclusive.

As regards (c), viz., when it is proposed to take lands compulsorily by lease for a term of years, the course to be pursued will be found fully detailed in the next chapter.

CHAPTER V.

*Procedure in cases where it is proposed to take lands by lease,
either by agreement or compulsorily.*

If the land proposed to be taken be the absolute property of the owner, no difficulty can arise in his executing to the board of guardians any lease which he may agree to give, and which the board may agree to take; but, in the majority of cases, it will be found that the land proposed to be taken is not vested in an absolute owner. The owner's interest in the land will, in most instances, either be affected by settlements, charged with incumbrances, or subject to tenancies, and where the owner's title is affected by any such limitations, recourse must be had to the provisions of the Labourers (Ireland) Act, 1885, in order to enable the board of guardians to obtain a valid lease of the plot which it is proposed to take as a site for a labourer's cottage.

An owner, whose estate is affected by settlements, is styled "a limited owner," an expression which, by the 23rd section of the Labourers (Ireland) Act, 1885, is defined to mean:

- (1.) Any person entitled under any existing or future settlement at law or in equity for his own benefit and for the term

of his own life to the possession or receipt of the rents and profits of land whether subject or not to incumbrances in which the estate for the time being is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than ninety-nine years, or is an estate for a term of years, of which not less than ninety-nine is unexpired, or is a fee-farm grant, or is a greater estate than any of the foregoing estates ;

- (2.) Any body corporate, any corporation, sole, ecclesiastical, or lay, any trustees in receipt of rents and profits, guardians of infants, committees of lunatics or idiots, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes entitled at law or in equity to the receipt of the rents and profits of any land in which the estate, for the time being, is such an estate as aforesaid.

A limited owner can, for the purposes of the Labourers Acts, grant leases of plots to the board of guardians for a term not exceeding 99 years, to take effect in possession, or within one year after the execution of the leases. The rent reserved on such leases must be the best rent which can reasonably be obtained for the land, no fine can be taken ; the lease must not include any mansion house, home farm, or demesne land, and a counterpart of the lease must be executed by the board (1885, s. 2).

The lease must, however, not only be executed by the limited owner, but it should, moreover, be confirmed by the Land Commission. Whether such confirmation is absolutely essential for the security of the board may

be doubted, because section 3 of the Labourers (Ireland) Acts, 1885, which authorises the Land Commission to confirm such leases, concludes with the following words: but a lease purporting to be made by a limited owner under this Act shall not be questioned by reason only of its not having been confirmed by the Court, *i.e.*, the Land Commission (1885, section 3).

If it be deemed desirable to obtain the confirmation of such leases by the Land Commission, the procedure to be followed will be found in the rules issued by the Land Commission on the 10th day of September, 1885, see page 139, *post*.

The rules relating to the confirmation of leases made by limited owners are those numbered 2 to 5 inclusive, and their purport may be shortly stated as follows:

The board must lodge with the Land Commission an application on Form A* (see page 148 *post*), and with it they must lodge a draft of the proposed lease, or a copy of the lease if the lease shall have been already executed, and, within one fortnight from the lodgment, a copy of Form A must be served upon the owner and on every person in occupation of the land comprised in the lease (Rule 2, page 140).

An affidavit of the services above referred to must

* *i.e.*, Form A annexed to the rules of the Irish Land Commission, issued on the 10th day of September, 1885, under the provisions of the Labourers (Ireland) Act, 1885. The rules will be found in extenso at page 139.

then be produced to the Registrar or Assistant Registrar of the Land Commission, who will, therefore, issue and sign a summons in Form C (see page 152), which the board shall cause to be served on the owner within two months from the date of the lodgment of the application. (Rule 3, page 141.)

The application will then be heard by the Land Commission, and it is submitted that the cheapest and simplest course for the board to pursue will be to lodge with the Land Commission an affidavit made by the owner or his solicitor or by the solicitor for the board, showing that the lease proposed does, in point of fact, comply with the requirements of the Act. (Rule 4, page 141.)

The Land Commission will then endorse on the lease their order confirming or refusing the lease, which will then be delivered to the board on a certified copy of such lease being lodged with the Registrar of the Commission. (Rule 5, page 142.)

From what has been stated above it would seem that, by the combined effect of sections 3 and 23 of the Labourers (Ireland) Act, 1885, a limited owner, even although his estate be affected by incumbrances, can grant to a board of guardians a lease for 99 years, the validity of which cannot be questioned, even although such lease may not have been confirmed by the Land Commission, while, strangely enough, there are not any

provisions in the Act which would enable an absolute owner, whose estate is affected by incumbrances to grant by agreement a valid lease for such a term, without having recourse to the Land Commission.

It is true that by section 11 of the Act of 1885 it is enacted that any letting by agreement or otherwise, "made in pursuance of this Act," shall be valid against incumbrancers; but it seems doubtful whether a letting made by an incumbered owner, not a limited owner, without getting the rent fixed by the Land Commission, would be a letting "made in pursuance of this Act."

It would appear that, unless in the case of limited owners, the board must seek for compulsory powers for taking land by lease for 99 years, unless it be quite certain that all the incumbrancers will concur in the lease, or unless ample leasing powers be reserved to the owner in the mortgages affecting his estate (1885, section 4).

Assuming that the Provisional Order obtained by the board gives them compulsory powers for obtaining land on lease, the procedure laid down by Rules 6 to 18 of the Land Commission Rules, published 10th September, 1885, will be adopted. This procedure may shortly be stated, as follows :

Within six months from obtaining the Provisional Order, the board must lodge with the Land Commission an application on Form D (see page 154), and with

it they must lodge a map of the ground proposed to be taken, which map must be upon a scale of not less than 200 feet to an inch. (Rules 6 and 8, page 142.)

Service of this application must, within fourteen days be made upon the owner and on the occupier of the land proposed to be taken, and such owner and occupier, or either of them, may, within four weeks after such service, lodge with the Registrar of the Land Commission, such statements as they may think necessary in relation to the loss or injury which they may sustain by the taking of the land. (Rules 9 and 10, page 143.) After the lapse of such last named period of four weeks, the board of guardians must take out a summons in Form C, which will be issued and signed by the Registrar or Assistant Registrar of the Land Commission.

Application to the Land Commission under Provisional orders conferring compulsory powers will be practically applications to fix the fair rent of the land to be taken, and it may be assumed that in general the duty of hearing such applications will be delegated to the Sub-Commissioners, and that the evidence to be adduced before such tribunals will be similar to that usually brought forward in support of applications to fix fair rents under the Land Act of 1881.

The same right of appeal as is given in applications to fix fair rents is, by Rule 16, p. 146, conferred upon the board, and upon the owner in application under the Labourers Acts.

The order made by the Sub-Commission or by the Land Commission has the effect of a lease, and must be stamped as a lease (1885, s. 4). It must be engrossed on parchment in duplicate, and a map must be endorsed upon it. It will be signed by a Commissioner, and sealed with the seal of the Land Commission, and thereupon the original will be handed to the board, and the duplicate will be lodged with the Land Commission. Rule 13.

The Land Commission may award costs, or may refuse to do so. (Rule 17.)

CHAPTER VI.

Procedure to be followed in obtaining loans from the Board of Works for carrying the schemes into effect.

As soon as the Provisional Order shall have been made and shall have become absolute, the board of guardians should proceed to obtain from the Board of Works the money necessary for carrying the schemes into effect. Before the guardians make any formal application for the loan, they ought to satisfy themselves that the plans lodged by them with the schemes in the office of the Local Government Board comply in every respect with the requirements of that board, and with this view it will be well for them to write to the Local Government Board asking whether there be any objection to the plans so lodged.

Assuming that there is no objection, the guardians must next decide what sum of money should be borrowed, and in making their calculations they should distinguish the purposes for which the loan is required.

The form of application for loans drawn up by the Local Government Board for the use of board of guardians borrowing under the Labourers (Ireland) Act,

1883, requires the applicants to state how much money is needed under the following heads :

(a.) For the acquisition of land.

(b.) For building purposes.

(c.) For other purposes (if any) ? to be described.

If it be proposed to take all the land by lease and not by an absolute purchase, no money will be required under the head (a).

Having decided on the amount to be borrowed the board of guardians should obtain from the Local Government Board the form of application, fill up answers to the several queries therein, and then forward this application to the Local Government Board.

The Local Government Board, if satisfied that the loan is such as, having regard to the provisions of the Labourers Acts, the board of guardians is entitled to contract, will notify to the Board of Works their sanction of it and thereupon the latter board will prepare a mortgage which the board of guardians will execute, charging the loan upon the rates of the district on which the money is to be borrowed.

Terms on which the money can be borrowed.

Under the Labourers (Ireland) Act, 1883, the repayment of all money borrowed by boards of guardians from the Board of Works for the purposes of the Act

Terms of Advances.

was regulated by a Treasury minute of 16th August, 1879, of which the following table shows the terms:

Terms under the Treasury minute of 16th August, 1879.

IF THE LOAN BE £100.

A	B	C
Repayable in instalments spread over	The rate of interest charged by the Board of Works will be	The annuity which, in the period named in column A, will repay both principal and interest.
	£ s. d.	£ s. d.
20 years . .	3 10 0	7 0 8
30 years . .	3 15 0	5 12 2
40 years . .	4 0 0	5 1 0
50 years . .	4 5 0	4 17 2

Terms as announced by Mr. Hibbert, Financial Secretary to the Treasury, on the 6th March, 1885, as the scale which would be adopted on the passing of the Labourers (Ireland) Bill, 1885.

A	B	C
	£ s. d.	£ s. d.
35 years . .	3 5 0	4 16 2
40 years . .	3 10 0	4 13 4
45 years . .	3 15 0	4 12 5

CHAPTER VII.

Summary showing the alterations in the law and procedure effected by the Labourers (Ireland) Act, 1885.

Firstly.—By this Act the class of persons for whose accommodation labourers' cottages may be built by the board of guardians is extended. The effect of the extension will be best shown by placing side by side the definitions of the "Agricultural Labourer" contained in the Labourers (Ireland) Act, 1883, and in the Labourers (Ireland) Act, 1885, respectively.

ACT OF 1883.

"The term, Agricultural Labourer, means a person who habitually works for hire in agricultural work upon the land of some other person, and whose principal means of living is such hire, and includes a herdsman. The term

ACT OF 1885.

"The expression, Agricultural Labourer, in the said Act, and in this Act, shall mean a man or woman whose occupation during the ordinary season of agricultural work, is the doing of agricultural work for hire on the land of some

does not include any person other person or persons,
 who is not paid for his and includes a herdsman.
 labour by wages."

The term does not include
 any person who is not
wholly or partly paid for his
 labour in wages."

The definition in the Act of 1885 is plainly much more comprehensive than that in the Act of 1883, and it will enable boards of guardians to provide proper house accommodation for a large number of people who were ineligible for such benefits under the Act of 1883.

Persons are not now excluded from the benefits of the Labourers Act by reason of their being

- (a.) Women.
- (b.) Labourers, who at any time except the ordinary season for agricultural work, earn their living by means other than agricultural work.
- (c.) Labourers who work not with one regular employer, but who take agricultural employment according as they get it, now from one employer and now from another.
- (d.) Labourers who, while receiving some part of the value of their labour in money, are paid for the rest of it by con-acre or food, or in any other way.

Secondly.—Not only is the class of persons for whose benefit the Act can be put in operation enlarged,

but the nature of the works which the Board of Guardians can undertake is also extended. The Board can now not only obtain land for sites whereon to build new cottages, but they can, if they

- (a) Think fit, purchase or take on lease, and put into repair any existing cottage which is in a bad state of repair ; or
- (b) When the cottage is in a good state of repair they may *by agreement* purchase it, or take it on lease :
- (c) Or by agreement they may, without purchasing the cottage, purchase, or take on lease, land, and allot to the occupant of the existing cottage half an acre of land :
- (d) Or they may make additions to or improvements in any cottage which they may purchase, or take on lease :
- (e) Or having purchased or taken on lease any existing cottage they may purchase or take on lease land for the purpose of letting it to the tenant of the cottage :
- (f) Or without purchasing any cottage they may purchase or take on lease *by agreement* tracts of land to be parcelled out in allotments to be let to agricultural labourers living in a neighbouring village or town (1885, s. 16.)

Of course all these improvements are to be effected for

the purpose of bettering the condition of *agricultural* labourers, and the section above referred to directs that except in the case of a tract of land in a neighbourhood of a town or village, the board of guardians must not let any of the ground which they acquire under the Acts to any person who is not a tenant to the board of a dwelling house.

Thirdly—The procedure is simplified—

- (a). It will now be necessary to apply for an Act of Parliament to confirm a Provisional Order obtained from the Local Government Board. If confirmation of such order be necessary, the tribunal to decide the matter is now the Irish Privy Council and not the Houses of Parliament, but it is hoped that the cases in which recourse must be had, even to the Privy Council, will be rare. Under the Act of 1883 the mere fact of compulsory powers being sought for, rendered it necessary to apply to Parliament to confirm the order, but, under the Act of 1885, a Provisional Order, even though it give compulsory powers, will become absolute without any confirmation by the Privy Council, unless a petition against it be lodged by an owner or occupier of land proposed to be taken, or unless a petition, signed by *not less than twelve* ratepayers, within the area of charge, be lodged (1885, s. 12).

- (b). Instead of having to incur the delay and expense of purchasing out and out all land required for the cottages and of investigating the title of every owner, lessee, and occupier interested in each plot of ground proposed to be taken, the board of guardians can now take the land on lease, and can get the fair rent of such land fixed by the Land Commission rapidly and cheaply (1885, ss. 3 to 11).
- (c). The Act may be put in force at any time of the year, and the board are no longer hampered by the restriction imposed by the Act of 1883, which limited the publication of advertisements of schemes to the months of September, October, or November (1885, s. 19).
- (d). The board of guardians can amend a scheme by altering sites, &c., if such amendment be deemed desirable (1885, s. 15.)*

Fourthly.—The Act of 1885 vests in the board of guardians the absolute right of determining on what part of the Union the expense of carrying out the scheme is to be thrown, and of determining, if they shall so think fit, that the expense shall be borne by the Union at large.

Fifthly.—The Local Government Board may amend a

* The amendment must be made before the provisional order is sealed See 1885, sec. 15, page 86.

Provisional Order made before the passing of the Act of 1885 by declaring that to such Provisional Order shall attach all the powers as to the taking land by lease instead of by purchase contained in the Act of 1885 (1885, s. 13.)

Sixthly.—The Act of 1885 empowers the board of guardians, in certain cases, to require a dwelling-house occupied by a labourer, and unfit for human habitation, to be closed; and in case the owner of such house refuses to obey the guardians, a court of summary jurisdiction, may, on the application of the guardians, order such house to be demolished, or prohibit it to be used as a dwelling-house, until such time as, in the judgment of the Court, it shall be rendered fit for human habitation.

LABOURERS (IRELAND) ACT, 1883.

[46 & 47 Vict. c. 60.]

A.D. 1883.

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Extent of Act.
3. Description of rural sanitary districts and rural sanitary authority.

Scheme by sanitary authority.

4. Sanitary authority to make improvement scheme.
5. Representation by whom to be made.
6. Requisites of improvement scheme of sanitary authority.

Confirmation of scheme.

7. Proceedings for the confirmation of the improvement scheme. Petition to Local Government Board.

8. Certain orders of the Local Government Board valid without confirmation by Parliament.
9. Costs to be awarded in certain cases.
10. Inquiry on refusal of sanitary authority to make an improvement scheme.
11. Power to sanitary authority to enforce order under sect. 4 of Labourers' Cottages and Allotments (Ireland) Act, 1882.

Execution of scheme by Local Authority.

12. Execution of scheme by sanitary authority.
13. Conditions of lettings.
14. Houses unfit for use shall be pulled down.
15. Completion of scheme on failure by sanitary authority.
16. Power to purchase lands.
17. Expenses of carrying Act into execution.
18. Advance of money for purposes of Act.
19. Audit of accounts.
20. Extension of 38 & 39 Vict. ch. 36 to certain towns.
21. Interpretation of terms.

An Act to better the Condition of Labourers in Ireland.

25th August, 1883.

Be it enacted by the Queen's most Excellent Majesty,

by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short Title.

1. This Act may be cited for all purposes as the Labourers (Ireland) Act, 1883.

Extent of Act.

2. This act shall extend to Ireland only.

Description of Rural Sanitary Districts and Rural Sanitary Authority, 41 and 42 Vict., c. 52 s. 6.

3. For the purposes of this Act the terms "rural sanitary district" (hereinafter called the sanitary district), and "rural sanitary authority" (hereinafter called the sanitary authority), shall have the meanings assigned to them respectively by the sixth section of the Public Health (Ireland) Act, 1878, and this Act shall, in so far as is consistent with the scope and tenor thereof, be construed as one with the said Act.

SCHEME BY SANITARY AUTHORITY.

Sanitary Authority to make Improvement Scheme.

4. Where a representation, as hereinafter mentioned, is made to the sanitary authority that the existing house

accommodation for agricultural labourers and their families within any section of the sanitary district, to be defined in such representation, is deficient, having regard to the ordinary requirements of the district, or is unfit for human habitation owing to dilapidation, the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, and that such deficiency or sanitary defects cannot be effectually remedied otherwise than by an improvement scheme for the erection of other dwellings in lieu of, or in addition to, the dwellings already existing in the section, the sanitary authority shall take such representation into their consideration at a meeting of which not less than fourteen days' public notice has been given, and of which a special notice has been sent to each member of the sanitary authority not less than fourteen days before the day of meeting, and, if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution that an improvement scheme ought to be made in respect of such section, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such section.

The sanitary authority may, from time to time, postpone their decision as to passing a resolution, or may postpone the making of a scheme, to any subsequent meeting specified by them at the time of such postponement, and in such case not less than three days' notice

of such meeting shall be sent to each member of the sanitary authority.

Two or more sections may be included in one improvement scheme.

The Local Government Board may, if they think fit, exercise for the purposes of this Act the powers conferred upon them by the twelfth section of the Public Health (Ireland) Act, 1878, of forming two or more sanitary districts, or contributory places, into a united district, as if the purposes of this Act were among the purposes specified in the said section ; and the provisions of section thirteen of the said Act as to the governing body of a united district, and of section fourteen as to the constitution of a joint board, shall apply in the case of such united district, and such united district shall be deemed to be a rural sanitary district for the purposes of this Act.

Representation by whom to be made.

5. A representation in pursuance of the last preceding section shall mean a representation signed by not less than twelve persons rated for the relief of the poor *within the sanitary district* ; provided that, if, after the area upon which the cost of the scheme is to be charged shall have been proposed by the sanitary authority, it shall appear that less than twelve of the persons who shall have signed the representation are resident within

the said area, then the said representation, and all proceedings consequent thereon, shall cease to be of any force or validity, unless within one month after the making of the scheme, an approval in writing of the said representation and proceedings shall be signed and forwarded to the sanitary authority by so many additional persons, rated as aforesaid and resident within the said area, as, with those who shall have already signed the representation and are resident within the said area, shall make up the number of twelve. The representation, if made on the ground of insufficient house accommodation, shall set forth specific instances of such insufficiency; and, if made on the ground of sanitary defects, shall be accompanied by a certificate of a sanitary officer of the sanitary authority to which the representation is made in corroboration of the sanitary defects alleged. The representation shall also define the section to which the scheme is to apply, and shall contain a suggestion on the part of the signatories as to the locality or localities in their opinion most suitable for the erection of the proposed new dwellings.

Requisites of Improvement Scheme of Sanitary Authority.

6. The improvement scheme of a sanitary authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the section in respect of which

a representation is made, or may include any neighbouring lands within the district, if the sanitary authority are of opinion that such exclusion is expedient, or inclusion is necessary, for making their scheme efficient for the purposes for which it is intended; it shall distinguish the lands proposed to be taken compulsorily. It shall further propose the erection of a sufficient number of labourers' cottages, so as to provide for the accommodation of the labouring class in suitable dwellings, with the requisite approaches to such dwellings; it shall also provide for proper sanitary arrangements, and for a plot or garden not exceeding half a statute acre being allotted to each dwelling. It may also provide for such scheme or any part thereof, being carried out and effected by the person entitled to the first estate of freehold in any property subject to the scheme, or with the concurrence of such person, under the superintendence and control of the sanitary authority, and upon terms and conditions to be embodied in the scheme as may be agreed upon between the sanitary authority and such person. The scheme shall also specify the area which the sanitary authority proposes as the area upon which the cost to be incurred in carrying the scheme into execution shall be charged. The scheme shall avoid all interference with the demesne and amenity of residence of the owner of the lands proposed to be taken, or with any home farm, or lands immediately adjoining and

customarily occupied with such residence, and in all cases land shall be selected with due regard to the general situation and convenience of the owner's property, so as to diminish the value thereof as little as possible.

CONFIRMATION OF SCHEME.

Proceedings for the Confirmation of the Improvement Scheme.

7. Upon the completion of an improvement scheme the sanitary authority shall publish during three consecutive weeks in the month of September, or October, or November,* in some two or more newspapers circulating within the jurisdiction of the sanitary authority, an advertisement stating the fact of a scheme having been made, the limits of the section to which the scheme relates, the estimated cost of carrying the scheme into effect, and the proposed area of charge, and naming a convenient place where a copy of the scheme may be seen at all reasonable hours; and during the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands pro-

* The advertisements may now be published at any time. See Labourers Act, 1885, sec. 19, page 91, *post*.

posed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessees or reputed lessees, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

- (a) By delivery of the same personally to the person required to be served; or, if such person is absent abroad or cannot be found, to his agent; or if no agent can be found, then by leaving the same on the premises; or,
- (b) By leaving the same at the usual or last-known place of abode of such person as aforesaid; or,
- (c) By forwarding the same by post in a prepaid letter addressed to the usual or last-known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to Local Government Board.

Upon compliance with the provisions contained in this section with respect to the publication of advertisements

and the service of notices, the sanitary authorities shall present a petition to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Local Government Board may from time to time require.

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the Local Government Board think fit to proceed with the case, they shall direct a local inquiry to be held for the purpose of ascertaining the correctness of the representation made as to the section, and the deficiency of houses for agricultural labourers and their sanitary defects, and the sufficiency of the scheme, and any local objections to be made to such scheme, and as to the propriety of confirming such scheme.

After receiving the report made upon such inquiry the Local Government Board may make a Provisional Order declaring the limits of the section to which the scheme relates, and authorising such scheme to be carried into execution. The Provisional Order shall also specify the areas which are to be contributory places for the purposes of this Act, upon which the expenses incurred

under this Act are to be charged. Such Provisional Order may be made either absolutely or with such conditions and alterations of the scheme as the Local Government Board may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily; and it shall be the duty of the sanitary authority to serve a copy of any Provisional Order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month, or a less period than a month.

A Provisional Order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament, and it shall be lawful for the Local Government Board as soon as conveniently may be to obtain such confirmation; and any Provisional Order made in pursuance of this Act, when confirmed by Parliament with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament and is in this Act referred to as the Confirming Act.

Any Act confirming any Provisional Order, made in pursuance of this Act may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament.

The Local Government Board may make such order

These portions of the section have been repealed by the 12th section of the Labourers (Ireland), Act, 1885. See page 81, *post*.

as they think fit in favour of any persons whose lands were proposed by the scheme to be taken compulsorily, for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the Local Government Board in relation to any Provisional Order under this Act shall, to such amount as the Local Government Board think proper to direct, and all costs, charges, and expenses of any person, to such amount as may be allowed by the Local Government Board in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the sanitary authority under this Act, and shall be paid to the Local Government Board and to such person respectively, in such manner and at such times, and either in one sum or by instalments, as the Local Government Board may order, with power for the Local Government Board to direct interest to be paid, at such rate, not exceeding five pounds in the hundred by the year, as the Local Government Board may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the Local Government Board in pursuance of this section may be made a rule of her Majesty's High Courts of Justice in Ireland, and be enforced accordingly.

*Certain Orders of the Local Government Board Valid
without Confirmation by Parliament.*

8. A Provisional Order by the Local Government Board for confirming an improvement scheme under this Act shall become absolute, and shall take effect without any Act of Parliament confirming the same, in case

- (a) the order does not authorise the purchase or taking of any land otherwise than by agreement: and
- (b) a petition against the order, signed by not less than three ratepayers, liable to pay rates in respect of property situate within the area declared by such order to be chargeable, is not lodged with the Local Government Board within such time, not less than one month after the making and publication of the Provisional Order, as the Local Government Board may from time to time by regulation prescribe.

Costs to be awarded in certain Cases—28 & 29 Vict.

c. 27.

9. Where any bill for confirming a Provisional Order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such bill, the committee shall take into consideration the circumstances under which such opposition was made to the bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the bill as the committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

*Inquiry on Refusal of Sanitary Authority to make
an Improvement Scheme.*

10. Where a representation is made to the sanitary

This section has been repealed by sec. 12, Labourers (Ireland) Act, 1885. See page 81, post.

authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such sanitary authority shall; as soon as possible, send a copy of the representation accompanied by their reasons for not acting upon it, to the Local Government Board, and upon the receipt thereof the Local Government may, if they think it necessary, direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the representation made to the sanitary authority, and any matters connected therewith on which the Local Government Board may desire to be informed.

Power to Sanitary Authority to enforce Order under section 4 of Labourers' Cottage and Allotments (Ireland) Act, 1882.

11. In any case in which an order has been or shall be made under section 3 of the Labourers' Cottage and Allotments (Ireland) Act, 1882, or under section nineteen of the Land Law (Ireland) Act, 1881, for providing accommodation for the labourers employed on any holding, and such order has not been complied with within six months after the date of such order, it shall be the duty of the sanitary authority of the district in which

such holding is situate to make such complaint as mentioned in, and to put in force the provisions of, section 4 of the Labourers' Cottages and Allotments (Ireland) Act, 1882.

EXECUTION OF SCHEME BY LOCAL AUTHORITY.

Execution of Scheme by Sanitary Authority.

12. When the confirming Act authorising any improvement scheme of a sanitary authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of such lands to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the lands so purchased by or leased to them, carry the scheme into execution, and in particular they shall insert in any grant or lease of any part of the section provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prescribing the maximum rent to be charged therefor, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the sanitary authority and of the Local Government Board, and for the re-

vesting of the land in the sanitary authority, or the re-entry thereon on breach of provision in the grant or lease, and also that there shall be allotted to each dwelling so as to be erected by such grantee or lessee a plot of ground not exceeding half a statute acre.

Provided that in any grant or lease of any part of the section to which the scheme applies the sanitary authority, subject to the approval of the Local Government Board, shall impose suitable conditions and restrictions as to the elevation, size, and design of the dwellings and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

The sanitary authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to the acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such person.

Conditions of lettings, 23 & 24 Vict., c. 154, s. 81.

13. It shall not be lawful for the sanitary authority to make a letting (save as expressly provided by this Act) of any tenement erected or acquired under this Act, or any part thereof, to any person other than an agricultural labourer.

It shall not be lawful for the sanitary authority to permit any such tenement, or part thereof, to be held by any person other than an agricultural labourer as occupier thereof.

It shall not be lawful for the sanitary authority to make a letting of any such tenement to an agricultural labourer for a longer term than from month to month.

It shall be the duty of the sanitary authority to make lettings of the tenements erected or acquired by them under this Act upon such terms and conditions that the tenancies created by such lettings shall be cottier tenancies within the meaning of the Landlord and Tenant Law Amendment Act (Ireland), 1860, save only that the rents reserved in such lettings may exceed the limits prescribed by the eighty-first section of that Act; and tenancies created by a sanitary authority under this Act shall not be excluded from the provisions of the Landlord and Tenant Law Amendment Act (Ireland), 1860, which relate to cottier tenancies by reason only that the rent reserved exceeds such limits.

In every such letting the sanitary authority shall insert a condition binding the tenant not to assign, or sublet, or subdivide, or part with the possession of the tenement, or any part thereof, or make any letting in conacre, or allow any part of such premises to be occupied by a lodger; and it shall be the duty of the sanitary authority, in case any breach of such condition occurs,

to take all such proceedings as may be necessary for the purpose of terminating the tenancy of such tenant, and of recovering the possession of the tenement.

The conditions in this section contained shall apply and extend to the assignees or lessees of the sanitary authority in respect of any purchased lands sold or let under the next preceding section.

Houses unfit for use shall be pulled down.

14. When any house situate on any land acquired by a sanitary authority under this Act, and occupied by an agricultural labourer, is unfit for human habitation, the sanitary authority shall, after making provision under this Act for the accommodation of such labourer, pull down such house, or apply it for some purpose other than as a dwelling-house.

Completion of scheme on failure by sanitary authority.

15. If within two years after the confirmation of any Provisional Order under this Act the sanitary authority have failed to make arrangements for the erection of labourers' dwellings, the said land shall, in case the person from whom the same was acquired, his heirs or assigns, so requires, be reconveyed to him or them, in a condition at least as suitable for agricultural or grazing purposes as it was when originally taken

possession of, at the price paid for the same by the sanitary authority, or if such person, his heirs or assigns, omits, after one month's notice, to signify his or their intention to repurchase on such terms, then the Local Government Board may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land labourers' dwellings in accordance with plans to be approved by the sanitary authority, and subject to such other reservations and regulations as the Local Government Board may deem necessary.

Power to Purchase Lands.

16. Any sanitary authority may for the purposes and subject to the provisions of this Act purchase or take on lease, sell, or exchange any lands within their district, and may for the like purpose, or for the proper drainage or sanitary requirements of the labourers' dwellings within their district, purchase either within or without their district, any land covered with water, or any water not needed for the use of the inhabitants of the district in which it may be found, or right to take or convey water. And for the purposes of such purchase the

Lands Clauses Act shall be incorporated with this Act; provided that the sanitary authority shall not purchase or take any lands otherwise than by agreement except under the authority of a Provisional Order confirmed by Parliament in accordance with this Act.*

In the case of purchase of any lands otherwise than by agreement, such purchase and the provisions of the Provisional Order relating thereto, shall, at the option of the owner of the lands, estate, or interest proposed to be purchased, be at an end in the following events :—

- (a.) In cases in which the owner of the lands, estate, or interest shall have become entitled to a certificate under the fourteenth section of the Railways (Ireland) Act, 1851, if the purchase-money is demanded by such owner, and remains unpaid for a period of thirty days or upwards after such demand :
- (b.) In cases falling within the eighteenth or nineteenth sections of the Railways (Ireland) Act, 1851, if the sanitary authority make default for a period of thirty days or upwards in dealing with the purchase money as provided by those sections respectively :

Provided that the election of the owner of the lands,

* The confirmation by Parliament is no longer necessary. See 1885, sec. 12, page 81, *post*.

estate, or interest to declare such purchase to be at an end, shall be notified by him in writing to the sanitary authority within a period not exceeding thirty days after the expiration of the time limited by this section within which the purchase-money should be paid or otherwise dealt with as aforesaid.

Any lands acquired by a sanitary authority in pursuance of any power in this Act contained, and not required for the purpose for which they were acquired, shall, except where otherwise expressly provided by this Act, in case the person from whom such lands were acquired, his heirs or assigns, so required, be reconveyed to him or them, in a condition at least as suitable for agricultural or grazing purposes as it was when it was originally taken possession of, at the price paid for such lands by the sanitary authority, or if such person, his heirs or assigns, omits, after one month's notice, to signify his intention to repurchase such land on such terms, shall (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale and also the proceeds of any other sale of lands acquired by a sanitary authority under this Act, and any fine paid to a sanitary authority on account of any letting of any such lands, shall be applied towards the discharge of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for

the general purpose of this Act, or, if no such principal moneys are outstanding, shall be carried to the account of such fund or rate.

Expenses of carrying Act into execution, 41 and 42 Vict.

c. 52.

17. The expenses incurred by a sanitary authority in execution of this Act shall be special expenses within the meaning of Part Five of the Public Health (Ireland) Act, 1878.

A sanitary authority shall have the same power of borrowing on the credit in the rates out of which special expenses are payable under this Act, as they have under the Public Health (Ireland) Act, 1878, for sanitary purposes, and shall have the same power of mortgaging any property acquired by them under this Act as they have of mortgaging land to which section two hundred and thirty-nine of the Public Health (Ireland) Act, 1878, applies.

The following sections of the Public Health (Ireland) Act, 1878, shall be incorporated with this Act, that is to say:

Section two hundred and thirty-eight, as to regulations concerning the exercise of borrowing powers; except subsection (1) of that section;

Section two hundred and forty, as to form of mortgages ;

Section two hundred and forty-one, as to register of mortgages ;

Section two hundred and forty-two, as to transfer of mortgages ;

Section two hundred and forty-three, as to the appointment of a receiver ;

Section two hundred and forty-seven, as to the borrowing powers of joint boards ;

Provided always that no rate or rates to be levied for the purposes of this Act shall in any one year exceed in the whole one shilling in the pound upon the rateable value of the property to be rated.

Advances of Money for purposes of Act, 42 and 43 Vict.

c. 77.

18. The Treasury may authorise the Board of Works to advance from time to time, out of any moneys in their hands, to sanitary authorities, such sums as the Treasury think expedient for the purposes of this Act.

Advances made by the Board of Works to a sanitary authority in pursuance of this section shall be repayable within such periods and at such rate of interest

as are set forth in a minute of the Treasury, made on the sixteenth day of August, one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and, save as regards such periods and rate of interest, the enactments relating to loans made by the Board of Works under the Public Health (Ireland) Act, 1878, shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

Audit of Accounts.

19. The accounts of a rural sanitary authority, acting in execution of this Act, shall be audited in the same manner, and with the same powers in the officers auditing the same, and subject to the same provisions, as the accounts of that authority in its character of sanitary authority are for the time being required to be audited according to law.

Extension of 38 and 39 Vict. c. 3 to Certain Towns.

20. The Artisans' and Labourers' Dwellings Improvement Act, 1875, as amended by an Act or Acts, shall ex-

tend to all urban sanitary districts in Ireland, containing, according to the last published census, a population of twelve thousand and upwards; and also, to any other urban sanitary district in Ireland to which the Local Government Board may by Provisional Order declare that the said Act shall extend.

Such Provisional Order may be made by the Local Government Board in the manner in which Provisional Orders are made by them under the Public Health (Ireland) Act, 1878.

No such Provisional Order shall be made except upon the provision of the urban sanitary authority of such sanitary district, nor, in the event of any objection being taken to such petition, until after a local inquiry with respect to such petition has been held by the Local Government Board.

Interpretation of terms 8 and 9 Vict., c. 18; 23 and 24 Vict., c. 106; 14 and 15 Vict., c. 70; 23 and 24 Vict., c. 97; 27 and 28 Vict., c. 71; 14 and 15 Vict., c. 70.

21. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them (that is to say),

“ Local Government Board ” means the Local Government Board for Ireland:

“Land Clauses Act,” means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland) 1851; the Railways Act (Ireland, 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act

“Treasury” means the Commissioners of her Majesty’s Treasury :

“Board of Works” means the Commissioners of Public Works in Ireland ;

The term “Agricultural Labourer” means a person who habitually works for hire in agricultural work upon the land of some other person, and whose principal means of living is such hire; and includes a herdsman. The term does not include any person who is not paid for his labour by wages.

This portion of the section is repeated by sec. 23, 1885. See page 56, *post*.

22. This Act shall continue in force for five years after the passing thereof, and until the end of the session of Parliament next ensuing.*

Provided that the expiration of this Act shall not affect or prejudice anything that shall have been done, or any right, title, or security that shall have been previously acquired under this Act ; and that the powers of

+ The fixed term for the continuance of the Act has been extended to a period of seven years by 1885, sec. 26, q. v. *post*.

every sanitary authority to carry into operation every scheme that shall have become absolute before such expiration, and all powers of rating and other powers and authorities conferred on them by this Act in relation thereto, shall continue to be in full force and effect as if this Act had not expired.

LABOURERS (IRELAND) ACT, 1885.

[48 & 49 Vict. c. 77.]

A.D. 1885.

ARRANGEMENT OF SECTIONS.

Section.

1. Short title.

Leases of Land by Agreement and Otherwise.

2. Power of limited owner to make leases.
3. Confirmation of lease.
4. Compulsory powers of taking land for a term of years.
5. Rules.
6. Apportionment of rent-charge.
7. Apportionment of rent where part of any land held subject to rent is taken.
8. Compensation for loss by compulsory taking of land.

9. Re-Hearings.
 10. Persons under disability.
 11. Effect of lease.
 12. Provisional Order may be confirmed by the Privy Council.
 13. Amendment of Provisional Orders made before this Act.
 14. Order confirmed before the passing of this Act may be superseded by new order.
 15. Amendment in scheme.
 16. Powers of the sanitary authority relative to purchasing existing cottages and allotting land to existing cottages.
 17. Closing of dwellings unfit for habitation.
 18. Area of Charge for rate levied by sanitary authority.
 19. Miscellaneous amendments of Act 1883, 46 & 47 Vic.
 20. Power to owner to propose alternative for scheme.
 21. Limit of time for giving answers.
 22. Set-off of rent against rates.
 23. Definitions 46 & 47 Vic. c. 60.
 24. Form of lease.
 25. Saving for other Acts.
 26. Continuance of Act 46 & 47 Vic. c. 60.
- Schedule—Form of lease by limited owners.
-

An Act to amend the Labourers (Ireland) Act, 1883, and for other purposes connected with Labourers' Dwellings in Ireland.

14th August, 1885.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short Title.

1. This Act may be cited as the Labourers (Ireland) Act, 1885.

LEASES OF LANDS BY AGREEMENT AND OTHERWISE.

*Power of limited owner to make leases, 6 47 Vict.
c. 60.*

2. Any limited owner shall have power to grant leases to a sanitary authority for the purposes of the Labourers (Ireland) Act, 1883, subject to the following restrictions :—

(1) The term of any lease shall not exceed ninety-nine years.

- (2) The lease shall not include any mansion-house, home farm, or demesne lands.
- (3) The lease shall take effect in possession or within one year after the execution thereof, and not in reversion; and there shall be reserved thereby the best yearly rent which can reasonably be obtained, to be incidental to the immediate reversion, without taking anything in the nature of a fine, premium, or foregift.
- (4) The sanitary authority shall execute a counterpart of the lease.

Confirmation of lease.

3. Upon the application of either the limited owner or the sanitary authority, the Court may confirm any lease granted or proposed to be granted by a limited owner under this Act; and the Court may, if it thinks fit, confirm or refuse to confirm any such lease with or without modifications, and the confirmation of any such lease shall be deemed conclusive evidence of the lease being within the powers of this Act; but a lease purporting to be made by a limited owner under this Act shall not be questioned by reason only of its not having been confirmed by the Court.

Compulsory powers of taking land for a term of years.

4.—(1) For the purposes of the Labourers (Ireland) Act, 1883, the Local Government Board may, by pro-

visional order confirming any scheme under that Act, empower a sanitary authority to take compulsorily any lands referred to in such order for any term of years, not exceeding ninety-nine years, at a rent to be determined in case of difference in the manner provided by this Act.

(2) When such provisional order has been confirmed or has become absolute, the sanitary authority, or the owner of the land proposed to be taken, may, within the prescribed time and in the prescribed manner,* apply to the Court for an order fixing the rent, terms, provisions, and conditions at and subject to which the land is to be taken by the sanitary authority; and notice of such application shall be given to the prescribed persons and in the prescribed manner.

(3.) The Court shall thereupon proceed to adjudicate upon such application, and make an order in each case determining the rent, covenants, conditions, and other incidents affecting the tenancy of the said land; subject, however, to the several restrictions affecting leases to be granted by a limited owner in pursuance of this Act.

Such order of the Court shall operate in the same manner as if it were a lease made by a limited owner of the land and confirmed by the Court in pursuance of this

See the Rules issued by the Land Commission on the 10th of September, 1885, page 139, *post*.

Act, and shall be subject to the same stamp duty as if it were a lease.

(4) This section shall apply whether the owner of the land proposed to be taken is under any disability or not.

Rules—44 & 45 Vict. c. 49.

5. The practice of the Court, and their sittings, and the mode of making applications, and the giving of notices to persons interested, and the publication of notices and advertisements, and of any orders of the Court, and the fixing and appointing of the time at which anything is required to be done, and generally all the procedure incident to the performance by the Court of the duties imposed on them by this Act, shall be regulated by rules made under section fifty of the Land Law (Ireland) Act, 1881, and that section shall be applied for the purposes of this Act as if such purposes had been specified therein.

Apportionment of rent-charge.—23 & 24 Vict. c. 97.

6. If any part only of the land charged with any Crown rent, quitrent, rentcharge, or fee-farm rent, is required to be taken for a term of years under the compulsory powers of this Act by a sanitary authority, the apportionment of any such Crown rent, quitrent, or rentcharge, or fee-farm rent, may be settled by agreement

between the party entitled to sue for the same and the owner of the lands on the one part and the sanitary authority on the other part, and if such apportionment is not settled by agreement the same shall be settled by the Court; and the Crown, or the owner of the rentcharge or fee-farm rent, shall have all the same rights and remedies for the recovery of such apportioned parts respectively against the lands taken and the lands not taken by the sanitary authority as previously to such apportionment subsisted for the recovery of the entire.

Apportionment of rent where part of any land held subject to rent is taken.

7. If any land is comprised in a lease for a life or lives, or in a letting for a term of years, or from year to year, part only of which land is required to be taken for a term of years under the compulsory powers of this Act by the sanitary authority, the rent payable in respect of the land comprised in such lease or letting shall be apportioned between the land so required and the residue of such land; and such apportionment may be settled by agreement between the landlord and tenant of such land on the one part, and the sanitary authority on the other part; and if such apportionment be not settled by agreement such apportionment shall be settled by the Court; and after such apportionment, the tenant

of such land shall, as to all future accruing rent, be liable only to so much of the rent as shall be apportioned in respect of the land not taken by the sanitary authority; and as to the land not so taken, and as against the tenant, the landlord shall have the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent, and all the terms and conditions of the tenancy shall remain in force with regard to that part of the land not taken by the sanitary authority in the same manner as they would have done in case such part only had been subject to the tenancy.

Compensation for loss by compulsory taking of land.

8. The loss, injury, or damage sustained by any owner or occupier of land taken for a term of years shall, as far as possible, be compensated for by the rent awarded to be paid to the owner, or the apportionment of the rent payable by the occupier; but in special circumstances the Court may award to such owner or occupier for any loss, injury, or damage, not so compensated for by such rent or apportionment of rent as aforesaid, and to every other person having any estate, interest, or right in the land, such other compensation as might have been awarded by an arbitrator under the

sections of the Lands Clauses Acts which relate to the taking of land otherwise than by agreement.

Re-hearings.

9. In the case of an order of the Court concerning land proposed to be taken for a term of years, the sanitary authority proposing to take the land, or the owner of, or any person having any estate, interest, or right in such land, shall have the same right to a re-hearing, where the order has been made by one member of the Land Commission, or by a sub-commission, as is given by sections forty-four and forty-eight of the Land Law (Ireland) Act, 1881, to a person aggrieved by any order referred to in those sections ; and the provisions of the last mentioned section relative to cases stated for the Court of Appeal in Ireland shall apply to proceedings under this Act.

Persons under disability.

10. The guardian of any minor, and the committee of the estate of any idiot or lunatic, shall, for the purposes of this Act, represent such minor, idiot, or lunatic.

Where there is no guardian or committee of the estate of a person under such disability as aforesaid, or where any person the committee of whose estate if he were idiot

or lunatic would be authorised to represent such person is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic by inquisition, the Court may from time to time appoint a guardian for such person for the purposes of this Act. The Court may from time to time appoint for the same purposes a person to act as next friend for a married woman.

Effect of lease.—23 & 24 Vict. c. 154.

11.—(1.) Any letting made in pursuance of this Act by agreement or otherwise shall be valid against the person making the same, and against all persons entitled to any incumbrance, estate, or interest in the land, either paramount or subsequent to the estate or interest of such person. Any such letting made in pursuance of this Act by a body corporate shall bind all the estate and interest of such body corporate.

(2.) In every such letting there shall be implied the covenants and conditions on behalf of the lessor and lessees respectively mentioned in sections forty-one and forty-two of the Landlord and Tenant Amendment Act (Ireland), 1860,* other than the covenant for absolute title on the part of the lessor.

* These sections will be found in extenso at page 102 *post*.

PROVISIONAL ORDER.

Provisional order may be confirmed by the Privy Council.—

46 & 47 Vict. c. 60.

12.—(1.) So much of the Labourers (Ireland) Act, 1883, as enacts that a provisional order made by the Local Government Board as therein mentioned, shall not be of any validity until and unless it has been confirmed by Act of Parliament, and all other provisions of that Act relative to the confirmation by Parliament of such orders, shall be and are hereby repealed.

(2.) A provisional order of the Local Government Board for confirming an improvement scheme under the said Act or under this Act shall become absolute and shall take effect, unless :

(a.) The order authorises the purchase of any land otherwise than by agreement, or the taking of any land for a term of years otherwise than by agreement, and a petition against the order, signed by an owner or occupier of land proposed to be purchased or taken otherwise than by agreement, is lodged with the Local Government Board ; or,

(b.) A petition against the order, signed by not less than twelve ratepayers liable to pay rates in respect of property situate within the area declared by such

order to be chargeable, is lodged with the Local Government Board.

Petitions under this section may be lodged within such time, not less than one month after the making and publication of the provisional order, as the Board may from time to time by regulation prescribe.

(3.) Whenever a petition is lodged against any order, the Local Government Board may make application to the Lord Lieutenant, acting with the advice of the Privy Council in Ireland, for an Order in Council confirming the order, and shall inform the sanitary authority who obtained the provisional order that a petition against it has been lodged, and an application made to the Lord Lieutenant in Council to confirm the order.

The sanitary authority may appear in support of such application.

It shall be lawful for the Lord Lieutenant by Order in Council, after hearing the petitioner or giving him an opportunity of being heard, to confirm, or to disallow, any provisional order, and in case of confirmation of an order, to make such amendments therein, or of any improvement scheme thereby provisionally confirmed, and to add such terms and conditions as may be set out in the Order in Council.

(4.) A provisional order confirmed by Order in Council, also a provisional order which under this Act does not

require to be so confirmed, shall be of the same effect as if it had been confirmed by Parliament.

(5.) The making of a provisional order shall be *prima facie* evidence that all the requirements of the Labourers (Ireland) Act, 1883, in respect of proceedings required to be taken previously to the making of such provisional order, have been complied with.

(6.) The costs of all parties of, and incident to an application for the confirmation of a provisional order shall be in the discretion of the Lord Lieutenant in Council, and an order respecting costs shall be enforceable as if it were an order of the Chancery Division of the High Court.

(7.) The Lord Lieutenant in Council may from time to time make such general rules as may seem fit for regulating the procedure under this section and generally for carrying it into effect, and for fixing the amount of any fees, and the taxation and payment of any costs, to be taken, allowed, and paid in relation to the confirmation of provisional orders. Such general rules shall be published in the *Dublin Gazette*, and shall be laid before both Houses of Parliament.

Amendment of provisional orders made before this Act.

13. The Local Government Board may, if they think fit, amend any provisional order made by them before

the passing of this Act and confirmed by Parliament, as follows :

Where the provisional order empowers a sanitary authority to put in force the provisions of the Lands Clauses Acts relative to the purchase and taking of land otherwise than by agreement, with reference to lands specified in such order, the Local Government Board may declare that the enactments contained in this Act relative to the taking of land for a term of years shall apply to such lands or some of them, and may fix such term.

Such declaration may be made by provisional order, in this Act referred to as an amending provisional order.

The provisions of the Public Health (Ireland) Act, 1878, and of the Labourers (Ireland) Act, 1883, requiring certain matters and things to be done before the Local Government Board make any provisional order, shall not apply to an amending provisional order under this Act.

The sanitary authority shall serve a copy of an amending provisional order in the manner and upon the persons in which and upon whom the provisional order thereby amended was served.

An amending provisional order shall become absolute, and shall take effect without any Order in Council confirming the same, unless a petition against the order,

signed by some owner or occupier of land proposed to be taken for a term of years, is lodged with the Local Government Board within such time, not less than one month after the making and publication of the amending provisional order, as the Local Government Board may from time to time by regulation prescribe. An amending provisional order against which a petition is lodged shall be dealt with in the same manner as other opposed provisional orders are directed to be dealt with under this Act.

An amending provisional order may alter sites and otherwise vary the original order.

*Order confirmed before the passing of this Act may be
superseded by new order.*

14. When a sanitary authority have not obtained and applied a Treasury loan in pursuance of a provisional order made and confirmed by Parliament before the passing of this Act, and have not entered into possession of any land authorised to be taken by them under such order, such order may be allowed to lapse, and such sanitary authority may avail itself of the provisions of this Act in applying for a new provisional order, and may proceed in all respects as if the original order had not been made and confirmed.

ADDITIONAL POWERS OF SANITARY AUTHORITIES.

Amendments in schemes.

15.—(1.) After the making of an improvement scheme by a sanitary authority and before the making of a provisional order by the Local Government Board authorising such scheme to be carried into execution, the sanitary authority may propose for the consideration of the Local Government Board any amendments in such scheme which they think necessary.

The sanitary authority shall give such public advertisement of any amendment as the Local Government Board may from time to time by order direct. Such advertisement shall name a convenient place where a copy of such amendments, with a map, may be inspected by any person interested, at any reasonable time.

If in any such amendments any lands are proposed to be acquired otherwise than by agreement, either by way of absolute purchase or for a term of years, the sanitary authority shall serve upon owners or reputed owners lessees or reputed lessees, and occupiers, of such lands, the notices which they are required to serve under the seventh section of the Labourers (Ireland) Act, 1883, in the manner thereby prescribed.

Such notices shall be served during the month next following the month in which the advertisement is

published, or at such other interval of time as the Local Government Board may order.

The Local Government Board may on proof of the giving of such advertisement and the service of such notices, where necessary, take the proposed amendments into consideration, with the original scheme; and shall, if applied to by the owner or occupier of the lands proposed to be acquired, direct a local inquiry to be held with respect to such amendments, and may make a provisional order authorising the scheme, with such amendments, to be carried into effect.

(2.) The Local Government Board may refer back any scheme to the sanitary authority, for the purpose of considering, and, if they think fit, submitting to the Local Government Board, any amendments therein which the Local Government Board may consider necessary.

The Local Government Board may correct any mistakes or technical defects in any scheme, on such terms as they may think fit.

Powers of the sanitary authority relative to purchasing existing cottages, and allotting land to existing cottages.

16. A sanitary authority acting in execution of the Labourers (Ireland) Act, 1883, may purchase and put

into repair any existing cottage which is in a bad state of repair, or may purchase by agreement any existing cottage, or by agreement may purchase and allot to the occupant of any such existing cottage half an acre of land, and may make additions to and improvements in any cottage purchased by them; and may let any cottage purchased by them to an agricultural labourer, under the conditions prescribed by the said Act. A sanitary authority having any existing cottage, or purchasing any existing cottage, may purchase any land for the purpose of letting it to the tenant of such cottage, being an agricultural labourer, or may, without having or purchasing any cottage, purchase or take on lease for a term of years, by agreement, tracts of land to be parcelled out in allotments to be let to any agricultural labourers living in any neighbouring village or town, if such land is so situated as to be suitable for that purpose: Provided that the land to be let to any one such person shall not exceed half an acre: Provided also, that, except in the case of a tract of land in the neighbourhood of a town or village as aforesaid, a sanitary authority shall not let or permit to be held any land acquired by them under the said Act as amended by this Act to or by any person who is not also tenant to the sanitary authority of a dwelling-house.

Provided also that—

The power to purchase lands and cottages conferred

by this section shall include a power to take lands and cottages for a term of years.

Section fourteen of the Labourers (Ireland) Act, 1883, shall not apply to any cottage purchased and put into repair by a sanitary authority.

The powers conferred by this section shall be in addition to the powers vested in sanitary authorities by the Labourers (Ireland) Act, 1883, and the provisions of that Act, as herein amended, shall apply to the execution of such powers, and the carrying into effect any of the purposes of this section.

Closing of dwellings unfit for habitation.

17.—(1.) When upon a local inquiry as to any scheme under the Labourers (Ireland) Act, 1883, it is established to the satisfaction of an inspector of the Local Government Board that any house occupied as a dwelling-house by a labourer is unfit for human habitation, the inspector shall specially report the facts of the case to the Local Government Board. And it shall be the duty of the sanitary authority promoting such scheme, by notice in writing, to require the owner of such house to cease to permit it to be used as a dwelling-house.

If such notice is not obeyed, a court of summary jurisdiction, on the application of the sanitary authority,

which application they are hereby required to make, may order the house to be demolished or prohibit the using of such house as a dwelling-house until in the judgment of the court of summary jurisdiction it has been rendered fit for human habitation ; and on the court of summary jurisdiction being satisfied that it has been rendered fit for that purpose, the court of summary jurisdiction may determine its previous order by another declaring the house habitable, and from the date thereof such house may be let and inhabited.

(2.) In any proceedings under this section a special report of an inspector of the Local Government Board shall be *prima facie* evidence of the facts stated therein ; and a copy purporting to be signed by an inspector shall, until the contrary is proved, be deemed to be a true copy of such report.

(3.) Any person wilfully acting contrary to an order of prohibition under this section shall on conviction before a court of summary jurisdiction be liable to a penalty not exceeding ten shillings for every day during which such disobedience continues.

Nothing in this section shall exempt any person from any penalty to which he would have been subject if this section had not been passed : Provided that no person who has been adjudged to pay any penalty under this section shall for the same offence be liable to a penalty under any other Act.

(4.) A sanitary authority shall postpone serving a notice under this section until such time as they are in a position to supply house accommodation for the persons occupying any dwelling-house to which such notice relates.

41 & 42 Vict., c. 52.

(5.) The enactments contained in the Public Health (Ireland) Act, 1878, relative to proceedings for recovery of penalties and to notices, shall apply to this section.

MISCELLANEOUS.

Area of charge for rate levied by sanitary authority.

18. The area upon which any rate shall be levied by a sanitary authority for the discharge of any liability incurred for the purposes of the Labourers (Ireland) Act, 1883, or of this Act, shall be fixed by such sanitary authority.

Miscellaneous amendments of Act of 1883.

19.—(1.) The advertisements mentioned in section seven of the Labourers (Ireland) Act, 1883, may be published at any time.

(2.) The notices to owners, lessees, and occupiers, of

lands proposed to be taken compulsorily, mentioned in the same section, shall state in the case of each parcel of land whether it is proposed to be taken for a term of years or otherwise.

(3.) When an improvement scheme has been made by a sanitary authority, a duplicate of every map, and of all particulars and books of reference relative to such scheme, transmitted by the sanitary authority under the Labourers (Ireland) Act, 1883, or this Act, to the Local Government Board, shall be deposited by the sanitary authority for public inspection with the clerk of the union, or of every union, if more than one, to which the scheme relates. This section shall apply to amendments in an improvement scheme in the same manner as it applies to a scheme.

(4.) Section seven of the Railways Clauses Consolidation Act, 1845, relative to the correction of accidental mistakes in plans or books of reference, shall be incorporated with the Labourers (Ireland) Act, 1883, and this Act, as if a provisional order were the special Act therein mentioned and a board of guardians were the company.

(5.) The Local Government Board shall have the same power of holding a local inquiry for the purposes of any provisional order under this Act as if such provisional order were made under the Public Health (Ireland) Act, 1878.

Power to owner to propose alternative for scheme.

20. When in execution of the Labourers (Ireland) Act, 1883, after the completion of an improvement scheme, notice of the compulsory taking of any lands for the purposes of such scheme, or any part thereof, has been served upon any owner or reputed owner, and such owner or reputed owner in his answer to such notice states that he dissents to the taking of such lands, he may in such answer offer to the sanitary authority, instead of such lands, other lands in the same locality of which he is the owner, and which lands he, with the consent of the occupier thereof, may agree to be appropriated to such purposes.

On the consideration of the petition for the confirmation of such scheme, and at the local inquiry to be held in relation thereto, the offer of such owner and the propriety of accepting the same shall be considered, and if such offer shall be accepted the lands specified in such offer may be substituted for the lands originally sought to be taken from such owner compulsorily, and such substitution shall not be deemed to be an addition to the lands proposed in the scheme to be taken compulsorily.

Limit of time for giving answers.

21. The time within which any owner or reputed owner and lessee or reputed lessee of any lands served

with any notice as to the compulsory taking of such lands for an improvement scheme under the Labourers (Ireland) Act, 1883, may give an answer thereto, as required by the said Act or by this Act, shall be one month after the service of such notice.

Set-off of rent against rates.

22. Any persons indebted to a board of guardians in respect of poor rate for property situate in any union, to whom such board of guardians, in their capacity as sanitary authority, are indebted for rent for any land held by them for a term of years under this Act in that union, may set off against the sum so due by him for rates the sum due to him for rent as aforesaid. Any such person shall be entitled to be furnished from time to time by the clerk of the union with a certificate or statement of account, in such form as the Local Government Board may order, showing the amount of the debts which may be set off against each other under this section. And the Local Government Board may from time to time make regulations for carrying this section into effect.

Definitions. 46 & 47 Vict. c. 60.

23. So much of the twenty-first section of the Labourers (Ireland) Act, 1883, as defines an agricultural labourer shall be and is hereby repealed.

The expression "agricultural labourer" in the said Act and in this Act shall mean a man or woman whose occupation during the ordinary season of agricultural work is the doing of agricultural work for hire on the land of some other person or persons, and includes a herdsman. The term does not include any person who is not wholly or partially paid for his or her labour by wages.

The expression "limited owner" shall mean :

- (1) Any person entitled under any existing or future settlement at law or in equity, for his own benefit and for the term of his own life, to the possession or receipt of the rents and profits of land, whether subject or not to incumbrances, in which the estate for the time being is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than ninety-nine years, or is an estate for a term of years of which not less than ninety-nine is unexpired, or is a fee-farm grant, or is a greater estate than any of the foregoing estates ;
- (2.) Any body corporate, any corporation sole, ecclesiastical or lay, any trustees in receipt of rents and profits, guardians of infants, committees of lunatics or idiots, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity to the receipt of the rents and profits of any land in which the estate for the time being is such estate as aforesaid.

The expression "settlement" shall mean any deed, will, agreement for a settlement, or other agreement, Act of Parliament or other instrument, or any number of instruments, whether made or passed before or after the passing of this Act, under or by virtue of which instrument or instruments any land, or any estate or interest in land, stands for the time being limited to or in trust for any persons by way of succession.

The expression "the court" shall mean the Irish Land Commission.

The Irish Land Commission may delegate to any sub-commission constituted under the forty-third section of the Land Law (Ireland) Act, 1881, such of the powers conferred on them by this Act as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub commission.

The expression "prescribed" shall mean prescribed by rules made by the Irish Land Commission.

Other terms and expressions used in this Act have the same meaning respectively as in the Labourers (Ireland) Act, 1883.

Form of lease.

24. A lease made under this Act, by agreement or otherwise, may be in the form contained in the schedule to this Act, or to the like effect, with such modifications as the circumstances of any case may require.

Saving for other Acts.

25. All powers given by this Act shall be in addition to, and not in derogation of, any other powers conferred by any other Act, and such other powers may be exercised in the same manner as if this Act had not been passed.

Continuance of Act 46 & 47 Vict. c. 60.

26. In the twenty-second section of the Labourers (Ireland) Act, 1883, seven years shall be substituted for five years, as the fixed term for the continuance of that Act.

S C H E D U L E .

FORM OF LEASE BY LIMITED OWNER.

This indenture made the day of be-
tween *A.B.* of and the sanitary authority of
the rural sanitary district of of the other
part:

Whereas *A.B.* is a limited owner within the meaning of the Labourers (Ireland) Act, 1885, of the hereditaments herein-after described :

And whereas the said *A.B.* has agreed to demise the said hereditaments to the said sanitary authority in manner herein-after appearing :

Now this indenture witnesses that in pursuance of the said agreement, and in consideration of the rent and covenants herein-after reserved and contained, he the said *A.B.* doth by these presents, made in execution of the power vested in him under the said Act, and of all other estates and powers in anywise enabling him, appoint and demise to the said sanitary authority, their successors and assigns, all [parcels] in the barony of county of , with the appurtenances , to hold unto the said sanitary authority, their successors and assigns, from the day of last, for the term of years, yielding and paying during the said term the yearly rent of £ by equal half-yearly payments, the first of such payments to be made on the day of next :

And the said sanitary authority do hereby for themselves, their successors and assigns, covenant with the said *A.B.* and his assigns in manner following :

[Insert here any covenants of the lessees which may have been agreed on ; as with respect to payment of grand jury cess, making fences, or the like.]

In this lease, whenever the assigns of the said *A.B.* are mentioned, the term " assigns " shall be construed to

include the person or persons for the time being entitled to the reversion of the said premises immediately expectant upon the said term hereby granted.

In witness, &c.

INDORSEMENT.

Received this day of of the sanitary authority of the rural sanitary district of a counterpart of the within written indenture duly executed by them under their common seal.

THE RAILWAYS CLAUSES CONSOLIDATION
ACT, 1845.

8 *Vict., cap. 20.*

The following is the section of the above Act referred to in sec. 19, ss. 4 of the "Labourers (Ireland) Act, 1885." See p. 92, *ante*.

Errors and Omissions in Plans to be corrected.

VII.—If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference mentioned in the special Act, or in the schedule to the special Act, it shall be lawful for the company, after giving ten days' notice to the owners of the lands affected by such correction, to apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate

shall be deposited with the clerks of the peace of the several counties in which the lands affected thereby shall be situate, and shall also be deposited with the parish clerks of the several parishes in *England*, and with the postmasters of the post towns in or nearest to such parishes in *Ireland* in which the lands affected thereby shall be situate; and such certificate shall be kept by such clerks of the peace, parish clerks, and postmasters respectively, along with the other documents to which they relate; and thereupon such plan, book of reference, or schedule, shall be allowed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

THE LANDLORD AND TENANT LAW
AMENDMENT ACT (IRELAND), 1860.

23 and 24 Vict., cap. 154.

The following are the sections of the above named Act, referred to in sec. 11, ss. 2 of "The Labourers (Ireland) Act, 1885." See p. 80, *ante*.

Covenants and Conditions. Covenants implied on behalf of Landlord.

41. Every lease of lands or tenements made after the commencement of this Act, shall (unless otherwise expressly provided by such lease) imply an agreement on the part of the landlord making such lease, his heirs, executors, administrators, and assigns, with the tenant thereof for the time being, *that the said landlord has good title to make such lease,** and that the tenant shall have the quiet and peaceable enjoyment of the said lands or tenements without the interruption of the landlord or

* The words printed in italics should not be read with this section, as by section 11, ss. 2 of the Labourers (Ireland) Act, 1885, it is provided that the covenant for title on the part of the lessor shall not be implied in lettings made in pursuance of the Act.

any person whomsoever during the term contracted for so long as the tenant shall pay the rent and perform the agreement contained in the lease to be observed on the part of the tenant.

Covenants implied on behalf of the Tenant.

42. Every lease of lands or tenements made after the commencement of the Act shall (unless otherwise expressly provided by such lease) imply the following agreement on the part of the tenant for the time being, his heirs, executors, administrators, and assigns, with the landlord thereof, that is to say :

- (1.) That the tenant shall pay when due the rent reserved and all taxes and impositions payable by the tenant, and shall keep the premises in good and substantial repair and condition.
- (2.) That the tenant shall give peaceable possession of the demised premises in good and substantial repair and condition on the determination of the lease (accidents by fire without the tenant's default excepted), subject however, to any right of removal (or of compensation for improvements) that may have lawfully arisen in respect of them and to any right of surrender in the case of the destruction of the subject matter of the lease as hereinbefore mentioned.

PUBLIC HEALTH (IRELAND), ACT, 1878.*41 and 42 Vict., cap. 52.*

The following are the principal Sections of the above, Act, incorporated in the "Labourers (Ireland) Acts, 1883 and 1885."

Rural Sanitary District and Authority.

6. The area of every Poor Law Union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district (or rural district), and the Guardians of the Union shall, as such, be the rural sanitary authority, or rural authority of such district, subject to the following conditions; that is to say:

- (1) No elective Guardian of any electoral division belonging to such Union, and forming, or being wholly included within an urban sanitary district, shall act or vote in any case in which Guardians of such Union act or vote in their capacity of members of the rural sanitary authority.
- (2.) Where part of an electoral division belonging to a Union forms or is situated in an urban sanitary district, the Local Government Board may, by

order, divide such electoral division into separate wards, and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district.

- (3.) An *ex officio* guardian resident in any electoral division, or part thereof, belonging to such Union, which forms, or is situated in, an urban sanitary district, shall not act or vote in any case in which guardians of such Union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the Union.

UNION OF DISTRICTS.

Formation of United District.

12. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and

after due inquiry, that it would be for the advantage of such sanitary districts, or of any of them, or of any parts thereof, or of any contributory places in any rural sanitary district or districts, that they should be formed into a united district for all or any of the purposes following ; that is to say :

- (1.) The procuring of a common supply of water ; or,
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places ; or,
- (3.) For any other purposes of this Act, the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of, and incidental to, the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing Body of United Districts.

13. The governing body of a united district shall be a Joint Board consisting of such *ex officio* members, and of such number of elective members, not being less than the *ex officio* members, as the Local Government Board may, by the provisional order forming the district, determine.

A Joint Board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a Joint Board shall be questioned on account of any vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a Joint Board shall be deemed to vitiate any proceedings of such Board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a Joint Board, if signed either at the meeting at which such proceedings took place, or at the next ensuing meeting, by any person purporting for the time being to be the chairman of the Board, shall be receivable in evidence of such proceedings, in all legal proceedings without further proof; and, until the contrary is proved, every meeting of a Joint Board where minutes have been so made of the proceedings, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Regulation as to Constitution of Joint Board.

14. The provisional order forming a united district under this Act shall define the purposes for which such

united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under this Act which the Joint Board is authorised to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the Joint Board, as to their continuance in office, as to the casual vacancies in the Joint Board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a Joint Board, the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the Joint Board is authorised to exercise or perform or is made subject to; nevertheless, the said Joint Board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

BORROWING POWERS.

Power to borrow on credit of Rates.

237. Any sanitary authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs, charges, and expenses incurred, or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re borrow, and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund, or all, or any rates or rate, out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of

such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sum are advanced, any such fund, rate, or rates.

Regulations as to exercise of borrowing powers.

238. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; namely,

(1) Money shall not be borrowed except for permanent works (including under this expression any works of which the cost ought, in the opinion of the Local Government Boards, to be spread over a term of years):

(2) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the sanitary authority under the Sanitary Acts and this Act, in the whole twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed.

(3) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:

(4) The money may be borrowed for such time, not exceeding sixty years, as the sanitary authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the sanitary authority shall either pay off the money so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the period sanctioned :

(5) A sanitary authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied :

(6) Where the money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local

Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

Power to borrow on credit of sewage land and plant.

239. Where any sanitary authority are possessed of any land, works, or other property for the purpose of disposal of sewage, pursuant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for the purposes for which moneys may be borrowed under this Act; but it shall not in any way be incumbent on the mortgagees to see to the application of such moneys, nor

shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three-fourths of the purchase-money of such lands (but not otherwise), be deemed to be distinct from, and in addition to, the general borrowing powers conferred on a sanitary authority by this Act. Any sanitary authority may pay out of any rates leviable by them for purposes of this Act any instalments of principal and the interest on any moneys borrowed by such authority in pursuance of this section.

Prosecution of offences, and recovery of penalties, &c.

249. *All offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction. The Court of Summary Jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or

* This and the following sections are referred to and incorporated with sec. 17, ss. 5 of the Labourers (Ireland) Act, 1885, see page 91, *ante*.

more justices of the peace, in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being, empowered by law to do alone any act authorised to be done by more than one justice of the peace, sitting at some court, or other place appointed for the administration of justice.

General provisions as to summary proceedings.

250. Any complaint or information made or laid in pursuance of this Act, shall be made or laid within six months from the time when the matter of such complaint or information respectively arose.

The description of any offence under this Act, in the words of this Act, shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information: and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties.

251. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by

a party aggrieved, or by the sanitary authority of the district in which the offence is committed, without the consent in writing of the Attorney-General for Ireland. Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a sanitary authority, in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place situated without their district.

Application of Penalties.

252. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the sanitary authority of the district in which the offence was committed. Provided that if the sanitary authority is the informer, they shall be entitled to the whole of the penalty recovered, and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

Notices. Orders of the Local Government Board, how to be published.

265. Every order of the Local Government Board

under this Act shall be published in such manner as that board may direct, and every general order of the Local Government Board made in pursuance of the Poor Law Acts, shall be published in the *Dublin Gazette*, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last mentioned Acts, and no further proceeding shall be necessary in such behalf, and as regards any single order of the said board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. The production of a printed copy of the *Dublin Gazette*, purporting to be printed and published by the Queen's authority, and containing the publication of any order of the Local Government Board, shall be conclusive evidence of the making of such order, and all such facts and circumstances as were or shall be necessary to authorise the making of such order.

Notices, &c., may be printed or written.

266. Notices, orders, and other such documents under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the sanitary authority, the signature thereof by the clerk to the sanitary authority, or their inspector of nuisances, shall be sufficient authentication.

Service of Notices.

267. Notices, orders, and any other documents required or authorised to be served under this Act, may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same, or a true copy thereof, to some person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "Owner" or "Occupier" of the premises (naming them) in respect of which the notice is given with further name or description.

LAND LAW (IRELAND) ACT, 1881.**44 and 45 Vict., ch. 49.**

The following are the sections or such portions of them of the above Act as are referred to in s. 11 of "The Labourers (Ireland) Act, 1883," and in secs. 5, 9, and 23 of "The Labourers (Ireland) Act, 1885." See pp. 57, 76, 79, and 96, *ante*.

Power of Court, on application for the determination of a Judicial Rent, to impose conditions as to Labourers' Cottages.

19. Where an application is made to the Court for the determination of a judicial rent in respect of any holding, the Court, if satisfied that there is a necessity for improving any existing cottages, or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre for the accommodation of the labourers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms as to rent and otherwise, on which such accommodation for labourers is to be provided by the person making the application.

Where upon any such application the Court requires

the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant shall be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts, for the improvement or building of dwellings for labourers, as if such person were an owner within the meaning of the 7th section of the Act of the Session of the 10th and 11th years of the reign of her present Majesty, chapter 32, but any such loan may be made for a less sum than the sum of one hundred pounds.

Appointment of Assistant Commissioners.

43.

* * * * *

The Land Commission may form sub-commissions in any province, particular district or districts of Ireland, and sub-commissions shall consist of such number of the said assistant commissioners as the Land Commission may think fit, and the Land Commission may delegate to any sub-commission such of the powers, except as to appeals, by this Act conferred upon the Land Commission, as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

Quorum of Commission

44.* Any power or Act by this Act vested in or

* This and the following section are referred to in section 9 of the Labourers (Ireland) Act, 1885, p. 79, *ante*.

authorised to be done by the Land Commission except the power of hearing appeals, may be exercised or done by any one member of the Land Commission or by any sub-commission with this qualification, that any person aggrieved by an order of one commissioner or by any order of a sub-commission may require his case to be reheard by all three commissioners sitting together, except in the case of the illness or unavoidable absence of any one commissioner, when any such case may be heard by two commissioners sitting together, provided that neither of such two commissioners be the commissioner before whom the case was originally heard.

Powers of Commission.

48.

* * * *

(1.) The Land Commission may, of its own motion, or shall on the application of any party to any proceeding pending before it, unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of her Majesty's Court of Appeal in Ireland.

(2.) The Land Commission may also, in case it thinks fit, permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to her Majesty's Court of Appeal in Ireland, provided that no

appeal from the Land Commission to the Court of Appeal in Ireland, shall be permitted in respect of any matter arising under part V. of this Act, or in respect of any decision as to the amount of fair rent or any question of value or of damages, or any matter left in the discretion of the Land Commission.

The decision of the said Court of Appeal on any such question so referred to shall be final and conclusive.*

* * * * *

(3.) The Land Commission with respect to the following matters, that is to say :

- (a.) Enforcing the attendance of witnesses (after a tender of their expenses) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents, and
- (b.) Issuing any commission for the examination of witnesses, and
- (c.) Punishing persons refusing to give evidence, or to produce documents, or guilty of contempt in the presence of the Land Commission or any of them sitting in open court, and
- (d.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act, shall have all such powers, rights, and privileges.

* The remainder of this section is omitted, as it is not applicable to the matters referred to sec. 9, Labourers (Ireland) Act, 1885, q. v.

SECTION 50.

Rules for carrying Act into effect.

50. (1.) The Land Commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to rules with respect to the following matters or any of them :

- (a.) The proceedings on the occasion of sales under this Act.
- (b.) The proceedings on the occasion of applications to fix judicial rents under this Act and the withdrawal of such applications.
- (c.) The proceedings in the Civil Bill Court under this Act.
- (d.) The consolidation of cases and the joining of parties.
- (e.) The security (if any) to be given by applicants to or persons dealing with the Commission.
- (.) The proceedings in appeals under this Act.
- (g.) The proceedings in respect of cases stated for the decision of Her Majesty's Court of Appeal in Ireland under this Act.

- (h.) The proceedings on the occasion of applications for transfer of cases from the Civil Bill Court to the Land Commission under this Act.
- (i.) The qualifications and tenure of office of Assistant Commissioners.
- (j.) The forms to be used for the purposes of this Act.
- (k.) The Scale of Costs and fees to be charged in carrying this Act into execution and the taxation of such costs and fees and the persons by or from whom, and the manner in which such costs and charges are to be paid, or deducted, subject, nevertheless, to the sanction of the Treasury as to the amount of fees to be charged.
- (l.) The attendance and discharge of duties by the officers of the Civil Bill Courts before the Land Commission and Sub-Commission when holding the sittings under this Act.
- (m.) The mode in which consents on the part of the Land Commission or of any landlord, tenant, or other person may be signified under this Act.
- (n.) The service of notices on Mortgagees and persons interested, and any other matter by this Act or any part of any Act incorporated herewith directed to be prescribed.
- (o.) As to any other matter or thing, whether similar or not, to those above mentioned in respect

of which it may seem to the Land Commission expedient to make rules for the purpose of carrying this Act or any part of any Act incorporated herewith into effect.

(2). Any rules made in pursuance of this section shall be judicially noticed in all Courts of Her Majesty's dominion.

(3). Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting within three weeks after the beginning of the then next session of Parliament, and if an address is presented to Her Majesty, by either House of Parliament within the next subsequent one hundred days on which the said house shall have sat, praying that any such rules may be annulled, Her Majesty may thereupon by order in Council annul the same, and the rules so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(4). The Public Offices Fees Act, 1879, shall apply to fees payable under this Act.

LABOURERS' COTTAGES AND ALLOT-
MENTS (IRELAND) ACT, 1882.

45 and 46 Vict. ch. 60.

N.B.—The following are the sections of the above Act referred to in sec. 11 of the “Labourers (Ireland) Act, 1883.” See p. 57.

Power to Land Commission in certain Cases to make an Order as to the accommodation of Labourers employed in a holding.

3. Where under s. 8 of the principal Act the landlord and tenant of any holding have agreed and declared, or shall agree and declare, by writing under their hands, what is the fair rent of the holding, and such agreement and declaration has been, or shall be, filed in Court, the Land Commission may, at any time within six months from the passing of this Act, or within twelve months from the date of the filing of such declaration and agreement, whichever shall last happen, order the tenant of such holding for the accommodation of the labourers employed thereon to improve an existing cottage or

cottages, or build any new cottage or cottages, or assign to any such cottage an allotment not exceeding half an acre, and may, by such order, fix the terms as to rent and otherwise, on which such accommodation is to be provided, and any such order may be made on the application of the landlord, or of the tenant of the holding, or of any labourer *bond fide* employed and required for the cultivation thereof.

Penalty for Non-Compliance with Order.

4. Where an order shall be made under this Act, or has been made, or is made under s. 19 of the principal Act, for providing accommodation for the labourers employed on any such holding, and such order has not been complied with within six months from the date of such order, or six months from the passing of this Act, whichever shall last happen, the person failing to comply with such order shall be liable thenceforth to a penalty of one pound for every week during which such order is not complied with, and such penalty shall be recoverable in a summary manner before two or more justices in petty sessions in manner provided by the Petty Sessions (Ireland) Act, 1851, upon the complaint of any labourer employed on the holding, and in whose favour such order has been or shall have been made, and the justices shall award such penalty to the guardians of the poor of the Union within which the holding is situate, to be applied in aid of the poor-rate of such Union.

FORMS.

N.B.—*All Forms must be on Foolscap size paper*

A

LABOURERS (IRELAND) ACT, 1885.

Form of Representation to be signed by at least twelve rate-payers of a district in which it is desired to provide increased house accommodation for agricultural labourers and their families.

To

The Board of Poor Law Guardians of
the Union of
being a Sanitary District.

County

Poor Law Union

Electoral Division

We, the undersigned, being persons rated for the relief of the poor within the above-named sanitary dis-

trict, do hereby represent to the Board of Poor Law Guardians of the Union of _____, in the County of _____ the sanitary authority of such districts, that having regard to the ordinary requirements of the district, the existing house accommodation for agricultural labourers and their families within the Electoral Division of _____, being a section of the said District, is deficient, inasmuch as there are employed on the lands set out in the first column of the schedule hereto the number of labourers set out in the second column of such schedule, who have not any proper house accommodation, and the farmers of the land set out in the first column of the said first schedule find a difficulty in obtaining suitable labourers for their farms, owing to the want of proper house accommodation for labourers and their families in the neighbourhood.

Or (*set forth any other "specific instances" of insufficient house accommodation which may exist in the district.*)

And we do further represent that within the above-mentioned section of such district there are houses occupied by labourers and their families which are unfit for human habitation, owing to dilapidation, the want of light, air, ventilation, or proper conveniences. [*Set out any other sanitary defects, if such exist*]

And that such deficiency or sanitary defects cannot be efficiently remedied otherwise than by an improvement scheme for the erection of other dwellings in lieu of or

in addition to the dwellings already existing in said section.

We do further suggest that the scheme for providing proper house accommodation for labourers and their families in pursuance of this representation shall apply to the Electoral Division of , and we suggest that the localities most suitable for the erection of the proposed new dwellings are those set forth in the second schedule annexed hereto.

FIRST SCHEDULE.

Name of Lands on which Labourers are employed for whom no sufficient house accommodation exists.	Number of Labourers so employed.

SECOND SCHEDULE.

Description of Localities suggested as most suitable for the erection of the proposed new Dwellings for Labourers and their Families.	Number of Dwellings suggested as needful to be erected in each of such localities.

B.

LABOURERS (IRELAND) ACT, 1883 and 1885.

Form of Scheme by a Board of Poor-Law Guardians.

County

Poor-Law Union

In pursuance of a representation made to us by persons rated for the relief of the poor in this union, we, the Poor Law Guardians of the union of , being the sanitary authority for the sanitary district of , do hereby certify that we have prepared and do approve of an improvement scheme according to the provisions of the Labourers (Ireland) Act, 1883 and 1885, of which scheme the following are the particulars:—

(a.) That upon the lands described in the first column of the first schedule hereto should be erected the number of labourers' cottages set forth in the second column of said first schedule.

(b.) That such cottages should be erected in accordance with the maps, plans, and estimates annexed hereto, and marked respectively with the letters,

(c.) That the lands to be purchased compulsorily for the carrying out of this improvement scheme should be only those described in the second schedule hereto.

(d.) That the lands to be taken compulsorily on lease for the carrying out of this improvement scheme should be only those described in the third schedule hereto.

(e.) That this scheme be carried out entirely by us,

the sanitary authority [*or, if it be proposed that the scheme should be carried out by the owner of the first estate of freehold in any part of the property subject to the scheme, state*] that the persons by whom and the terms on which this scheme is proposed to be carried out are set forth in the fourth schedule hereto.

(f.) That the area upon which we propose that the cost to be incurred in carrying this scheme into effect consists of the electoral division of (or, as the case may be.)

FIRST SCHEDULE.

Description of Lands upon which it is proposed to erect the Labourers' Cottages under this scheme.	Number of Cottages proposed to be erected on such Land.

SECOND SCHEDULE.

Description of lands proposed to be purchased compulsorily under the scheme:—

Description of Lands.	Area in Statute Measure.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.

THIRD SCHEDULE.

Description of lands proposed to be purchased compulsorily under the scheme :—

Description of Lands.	Area in Statute Measure.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.

FOURTH SCHEDULE.

Persons by whom and terms on which this scheme is proposed to be carried out :—

C.

Form of ADVERTISEMENT of a scheme when approved of by the Board of Guardians.

LABOURERS (IRELAND) ACT, 1883 and 1885.

County

Poor-Law Union

The Board of Poor-Law Guardians of this union hereby give notice that a scheme has been made by them under the provisions of the above Acts.

The section to which this scheme relates consists of

the electoral divisions of (or, as the case may be).

The estimated cost of carrying the scheme into effect is £ . The area proposed to be charged with the cost of the scheme consists of the electoral division of (or, as the case may be). A copy of the scheme can be seen at the office of the Clerk of the Union (or, as the case may be) daily between the hours of and

Dated, &c.

By order.

D.

LABOURERS (IRELAND) ACT, 1883 & 1885.

NOTICE to be served by a Sanitary Authority upon the Owner or reputed Owner, and Lessee or reputed Lessee, and Occupier of Land proposed to be taken compulsorily for the purpose of an Improvement Scheme under these Acts.

County

Poor-Law Union

Take notice, that the Poor-Law Guardians of the Union of , being the Sanitary Authority

the district of _____, propose (*to purchase or take on lease as the case may be*) compulsorily, for the purpose of an improvement scheme, pursuant to the above-mentioned Acts the lands described in the schedule hereto.

And further take notice, that you are hereby required within _____ from the date of this notice, to state whether you dissent or not in respect of the taking of such lands. [*This paragraph may be omitted from the notice when intended for service on the occupier. In all other cases it must be inserted.*]

By order.

All replies to this notice should be addressed to

First Schedule referred to in the above Notice.

Name of Lands.	Area in Statute Measure.	

THE LABOURERS (IRELAND) ACTS, 1883 & 1885.

County

The Petition of the Guardians of the Poor-Law Union
of _____, in the county of _____, being the rural
Sanitary Authority of the district of _____.

1. Representation was on the _____ day of _____
presented to your petitioners, signed by at _____

2. A copy of the representation referred to in this petition, together with a certificate of the sanitary officer of the district [*in case sanitary defects are alleged*] is herewith sent.

3. Your petitioners having taken such representation into consideration at a meeting of the said sanitary authority, of which meeting not less than fourteen days' public notice was given, and of which a special notice was sent to each member of such sanitary authority not less than fourteen days previous to such meeting, are satisfied that the said representations are true, and that the resources of the said sanitary district are sufficient to justify your petitioners in carrying out the improvements suggested in said representations.

4. A detailed scheme of the proposed improvement, together with maps, particulars, and estimates of the works proposed to be executed, are herewith sent.

5. Your petitioners have inserted advertisements of the said scheme in the following newspapers, and on the following dates :—

Name of Newspaper.	Date of Insertion.

6. It is proposed to purchase compulsorily the lands described in the second schedule to the said scheme, and to take compulsorily on lease the lands described in the third schedule to such scheme; and your petitioners

have served upon every owner, or reputed owner, lessee, or reputed lessee, and occupier of any of the said lands, a notice in the form annexed hereto, and marked with the letter A, and in manner prescribed by section seven of the Labourers (Ireland) Act, 1883.

7. The insertion of such advertisement and the service of such notices are proved by the declaration of the executive sanitary officer of the said district [*or of the Clerk of the said Union, as the case may be*].

8. The names of the owners, or reputed owners, lessees, or reputed lessees and occupiers, who have dissented in respect of the purchase of their lands compulsorily, are contained in the lists marked with the letters B, C, and D herewith sent.

9. The names of the owners, or reputed owners, lessees, or reputed lessees, and occupiers who have dissented in respect of the taking of their lands compulsorily on lease are contained in the lists marked with the letters E, F, and G, herewith sent.

Your petitioners therefore pray that an order
may be made by the Local Government
Board confirming the said scheme.

Dated this day of 188

Seal of the Board.

*To be signed by the Chairman of the Board,
and by the Clerk of the Union or Execu-
tive Sanitary Officer.*

F.

LABOURERS (IRELAND) ACTS, 1883 and 1885.

*Declaration by Clerk of the Union or Executive Sanitary
Officer verifying a Petition to the Local Government
Board.*

County of
Poor-Law Union of

I, of , do solemnly and sincerely
declare as follows :

1. I am the Clerk of the Union (or Executive Sanitary
Officer, as the case may be) of the sanitary district
of

2. I have read the petition of the sanitary authority
of the said district, dated day of , and
annexed hereto, and I say that the several statements
therein contained are true in every respect.

Made and subscribed before me, a Justice of the
Peace for said county, this day of

IRISH LAND COMMISSION.

THE LABOURERS (IRELAND) ACT, 1883.

THE LABOURERS (IRELAND) ACT, 1885.

RULES AND FORMS.

The 10th day of September, 1885.

It is this day ordered that the following General Rules and Forms shall from this date until further order regulate the practice and be in force IN THE IRISH LAND COMMISSION in relation to proceedings taken under the provisions of the Labourers (Ireland) Act, 1883, and the Labourers (Ireland) Act, 1885, hereinafter termed the Act, or any part of any Act incorporated therewith, and which proceedings under the said Acts are to be taken in the Land Commission.

1. All such proceedings under the Act shall be conducted by the Court in chamber; provided that in case either the sanitary authority or the limited owner or owners, as the case may be, desires that the proceedings subsequent to the lodgment of the application shall take

place before a sub-commission constituted under the 43rd section of the Land Law (Ireland) Act, 1881, application may be made in the matter, on notice to the opposite party, and the court may, if it so deem fit, delegate to a sub-commission the further hearing of the application. Provided also that the Irish Land Commission of its own motion may at any stage of the proceedings delegate to a sub-commission the powers conferred on them to adjudicate upon the rent, terms, provisions, and conditions, at and subject to which the land is proposed to be taken by the sanitary authority, or to adjudicate on any one or more of the same, or to ascertain loss, and award in special circumstances, compensation for such loss, injury, or damage, sustained by any owner or occupier of land taken, and which shall not be compensated for by the rent to be made payable therefor.

Application under Section 3 of the Act.

2. The application to confirm a lease granted or proposed to be granted by a limited owner and referred to in the third section of the Act, may be in Form A or Form B (according to the circumstances of the case), to these orders annexed. The sanitary authority or the limited owner, as the case may be, shall lodge with the Court together with the application, the lease, where the same has been granted, or a draft of the lease proposed

to be granted, and a copy of the application shall be duly served on the opposite party, and also upon every person who shall be in occupation of the land demised or proposed to be demised, within one fortnight after the lodgment of the application with the Court.

3. It shall be the duty of the applicant who has so lodged the lease or the draft lease, after service on the opposite party of notice of the application and within two months from the date when the application was lodged, to take out and serve on the opposite party a summons, which may be in Form C, and which shall be issued and signed by the Registrar or Assistant Registrar of the Land Commission, upon production of an affidavit of the service of the application upon the opposite party, to proceed upon the matter of the said application.

4. Upon the hearing of such application, proof shall be given that the lease or proposed lease does not include any mansion-house, home-farm, or demesne lands, and that the rent reserved or proposed to be reserved is the best rent which can reasonably be had for the parcel of land without taking anything in the nature of a fine, premium, or foregift. The parties may respectively sustain the application or any suggested modification of the lease or proposed lease by such documentary or parol evidence, or by affidavit, as they may be advised, and the court may require such proof to be given and such persons or parties to be served with notice of the

application and give such directions in all respects as it thinks fit.

5. The order made on such application, either confirming or refusing to confirm any such lease with or without modification shall be indorsed upon the lease or draft of the lease lodged with the Court and shall be sealed with the seal of the Irish Land Commission, and the lease or draft lease so endorsed and sealed shall be delivered to the party who shall have lodged the same, or to such party as the court may direct upon the lodgment by such party with the registrar of the commission of a certified copy of the lease or draft with the order made thereon.

*Applications under Section 4 and subsequent sections
of the Act.*

6. The application to the Land Commission by a sanitary authority empowered by provisional order of the Local Government Board to take lands compulsorily, and referred to in sec. 4 of the Act, may be in Form D, or as near thereto as circumstances will permit, and shall contain the information required by said form; the application shall be made within six months from the date when such provisional order has been confirmed, or has become absolute. The court shall have power, notwithstanding the said period shall have elapsed,

under special circumstances, to permit the application to be lodged.

7. The application by the owner of the land to be taken by a sanitary authority, may be in Form E, or as near thereto as circumstances will permit, and shall contain the information required by said form; the application shall also be made within the like period of six months, as is provided in the case of an application by a sanitary authority, and the court shall in like manner have power to permit the application to be lodged notwithstanding the said period shall have elapsed.

8. Upon every such application as mentioned in rule 6 or rule 7, there shall be lodged with the registrar of the Irish Land Commission together with the application a copy of the provisional order of the Local Government Board, and a map of the parcel or parcels of land authorized to be taken compulsorily by the provisional order, upon a scale of not less than 200 feet to one inch.

9. In the case of an application by a sanitary authority a copy of the application shall be duly served on the owner of the land and also on the occupier (if any), within one fortnight after the lodgment of the application with the court; and in the case of an application by an owner of land, a copy of the application shall be served upon the sanitary authority within one fortnight after the lodgment of the application with the court,

and also upon every person who shall be in occupation of the parcel of land proposed to be taken.

10. The sanitary authority or the owner of the land proposed to be taken, or any occupier of the land, may within four weeks after service of the notice of application, lodge with the registrar of the Irish Land Commission such statement as they respectively may deem necessary in relation to the rent, terms, provisions, and conditions subject to which the land is to be taken, and as to the loss, injury, or damage sustained by the owner or occupier. The statement shall be signed by the owner or occupier who lodges same, or if lodged by a sanitary authority by the proper officer of such authority.

11. When the respective periods of one fortnight and four weeks, provided for in the preceding rules, shall have elapsed, any party interested may take out and serve on the opposite party or parties a summons, which may be in Form B, or as near thereto as the circumstances permit, to proceed upon the matter of the said application, such summons shall be issued and signed by the registrar or assistant registrar of the Land Commission.

12. Upon the hearing of every such application the parties may respectively produce such evidence, documentary, parol, or by way of affidavit, as they may be

advised, and the court may on such application require such proof to be given and such persons or parties to be served with notice of the application as may appear just, and if it should deem fit may direct inquiries as to the loss, injury, or damage sustained by any owner or occupier of the land taken or proposed to be taken.

13. The order made upon such application shall be engrossed on parchment in duplicate by the party having the carriage of the application, and shall have described on each part a map of the premises. The engrossment, duly stamped, shall be lodged with the registrar of the Irish Land Commission, and each part shall be signed by a commissioner, and be sealed with the seal of the Irish Land Commission. The original shall be handed to the party having the carriage of the proceedings, and the duplicate counterpart shall be lodged in the record department of the Irish Land Commission.

14. The party lodging any application under the Act shall be deemed to have the carriage of the proceedings, but the court may either on the application of any party interested or of its own motion transfer the carriage of the proceedings to any person it thinks fit, and either upon terms or without terms.

15. If no proceeding shall be taken upon the application lodged for the space of two months from the day of lodgment of such application, the same shall stand dis-

missed; but the court shall have power to reinstate the same on the application of the parties, or either of them, or of any person interested in the proceedings.

16. Any party interested in the application and aggrieved by any order made by one commissioner or by any order of a sub-commissioner may, within one month after the date of such order, serve on the opposite party and the Land Commission a notice of re-hearing, which may be in Form F. The notice served on the Land Commission must bear an endorsement of the time and mode of service on the opposite party. A notice of re-hearing may be withdrawn by the party serving the same at any time before the appeal is opened in court, upon the terms of paying such costs as the court may direct.

17. The court may award costs of the proceedings, or of any part of the proceedings, against either party, or may refuse to award costs as it may deem just, and may fix the amount of such costs.

18. The existing rules of the Land Commission, dated 12th December, 1883, as regards the computation and extension of time, the service of notices, solicitors, affidavits, certified copies of affidavits and documents, subpoenas, and generally in relation to procedure and practice, shall, so far as applicable and not inconsistent

with the foregoing rules, be in force as regards proceedings under the Act.



JOHN O'HAGAN.

E. F. LITTON.

JOHN E. VERNON.

FORM A.

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

*Application by Sanitary Authority to confirm a Lease or
a Proposed Lease under Section 3 of the Act.*

To

The Irish Land Commission

Poor Law Union of _____

County of _____

The Sanitary Authority of the Poor law Union of
hereby applies to the Irish Land Commission pursuant
to the provisions of the Labourers (Ireland) Act, 1885,
to confirm a certain* [lease, dated day of
granted] by of † to the above mentioned
Sanitary Authority, of part of the lands of
in the county of for the term of years, at

* Or draft lease proposed to be granted

† Postal address.

the yearly rent of £ [with the modification stated below] and which said * [lease] is herewith lodged with the Irish Land Commission for the purpose aforesaid.

The proposed modification is as follows :—†

*Signed on behalf of the above mentioned
Sanitary Authority of the Poor Law
Union of*

‡ _____
This day of 188

To
The Irish Land Commission.

To _____ of _____
of the limited owner.

To _____ of _____
the occupier. §

* Or draft lease.

† State proposed modification, if any.

‡ Signature of the Clerk of Union.

§ If more than one, state name and address of each.

FORM B.

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

*From of Application by a Limited Owner to confirm a
Lease or a Proposed Lease to a Sanitary Authority under
Sec. 3 of the Act.*

To

The Irish Land Commission.

Poor Law Union of _____

County of _____

I _____ of _____
a limited owner, hereby apply to the Irish Land Com-
mission pursuant to the provisions of the Labourers
(Ireland) Act, 1885, to confirm a certain * [lease, dated
day of _____ granted] by me to the above men-
tioned Sanitary Authority of part of the lands of
in the county of _____ for the term of _____ years,

* Or draft lease proposed to be granted.

Forms prepared by the Land Commission. 151

at the yearly rent of £ [with the modification stated below] and which said * [lease] I herewith lodge with the Irish Land Commission for the purpose aforesaid.

The proposed modification is as follows :—†

Signed, _____

of ‡ _____

This day of 188

To

The Irish Land Commission.

To

The Sanitary Authority of the Union of _____

To _____ of _____
the occupier. §

* Or draft lease.

† State proposed modification if any.

† Postal address.

§ If more than one, state name and address of each.

FORM C.

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

Form of Summons to proceed on Application.

To

The Irish Land Commission.

Poor Law Union of _____

County of _____

IN THE MATTER of an application by [*the
Sanitary Authority of the Poor Law Union
of _____ County of _____]
to confirm a [†lease, dated _____ day
of _____ granted] by
of _____ to the said Sanitary
Authority, of part of the lands of
in County of _____ for _____ years,
at the yearly rent of £

* Or A. B. or C. D. a limited owner.

† Or a draft lease proposed to be granted.

UPON application of*

you are hereby required to attend before [the Irish
Land Commission at 24 Upper Merrion Street, Dublin]
at the hour of o'clock, on the
day of to proceed with the above-mentioned
application, and thence from day to day till same is
disposed of.

Signed, _____

Registrar of Irish Land Commission.

This day of 188

This summons was taken out by
Solicitor for above named

* The Sanitary Authority or the owner.

† Or a Sub-Commission of the Irish Land Commission pursuant
to order dated day of 188, in the Court House at _____

‡ If no Solicitor, state by applicant in person.

FORM D.

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

*Form of Application by Sanitary Authority in respect of
Land authorized to be taken compulsorily for an order
fixing rent and other conditions.*

To

The Irish Land Commission.

Poor Law Union of _____

County of _____

The Sanitary Authority of the Poor Law Union
of _____ hereby applies to the Irish Land
Commission pursuant to the provisions of the Labourers
(Ireland) Act, 1885, for an order fixing the rent, terms,
provisions, and conditions at and subject to which the
parcel of land mentioned in the annexed particulars is
proposed to be taken for the purposes of the above-
mentioned Acts by virtue of a Provisional Order of the
Local Government Board, dated the _____ day of _____

which provisional order was confirmed or become absolute on the day of 188

Signed on behalf of the above-mentioned
Sanitary Authority of the Poor Law
Union of _____

_____ *

This day of 188

PARTICULARS TO BE ANSWERED.

REPLIES.†

1. Townland, . . .	_____
2. Contents, . . .	A. R. P.
3. No. of Ordnance Sheet on which lands appear, . . .	_____
4. Rent proposed, . . .	£
5. Term proposed, . . .	years.
6. Provisions and conditions subject to which it is proposed the land should be held, . . .	_____
7. Name and postal address of owner or owners, . . .	_____
8. Name and postal address of the occupier (if any), . . .	_____
9. Name and address of the agent of owner or of the receiver or other person who collects the rents, . . .	_____

* Signature of the Clerk of the Union.

† If space not sufficient, particulars may be added in a Schedule signed by the applicant.

156 *Forms prepared by the Land Commission.*

The above particulars are correct to the best of my knowledge, information, and belief.

Signed, _____ *

day of 188

To the Irish Land Commission.

To _____ of _____ the owner.(†)

To _____ of _____ the occupier.(†)

• **Signature of the Clerk of the Union.**

† If more than one, state name and address of each.

FORM E.

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

Form of Application by Owner of Land, authorized to be taken compulsorily for an order fixing rent and other conditions.

To

The Irish Land Commission

Poor Law Union of _____

County of _____

I* _____ of _____ [an owner]† of land proposed to be taken for the purpose of said Acts, by the Sanitary Authority of the Union of _____, by virtue of a Provisional Order of the Local Government Board, dated _____ day of _____, hereby apply to the Irish Land Commission for an order fixing the rent, terms, provisions, and conditions, at and subject to which the parcel of land hereinafter described is proposed to be taken.

Signed, _____

of _____

This _____ day of _____ 188

* Or we.

† Or owners.

158 *Forms prepared by the Land Commission.*

PARTICULARS TO BE ANSWERED.	REPLIES.		
1. Townland	A. B. P.		
2. Contents,			
3. No. of Ordnance Sheet on which the lands appear,			
4. Rent claimed,	£ years.		
5. Term proposed,			
6. Provisions and conditions sub- ject to which it is proposed the land should be held,			
7. How the lands are held by appli- cant,*			
8. If under lease, state the rent arising thereout, or if subject to rent-charge or quit-rent the amount of same, and state the rateable value of the entire pro- perty subject to such rent, rent-charge, or quit-rent,			
9. Amount of rent, rent-charge, or quit-rent proposed to be ap- portioned and to be charged on the parcel of land under sec- tions 6 and 7 of the Act,			

* State whether in fee, or under lease, or subject to a rent, rentcharge, or quit rent. Note—If space not sufficient, particulars may be added in a Schedule signed by the Applicant.

10. State amount claimed for loss,
injury, or damage, if any, and
shortly state the nature of
same,
11. State whether such loss, injury,
or damage is proposed to be
compensated for by rent. If
not, state special circumstances
why they should not be so com-
pensated,
12. State the name and address of
any person interested in the
lands as owner or part owner,
who is a minor, infant, luna-
tic, person of unsound mind,
married woman, or under other
disability,

The above particulars are true to the best of my
knowledge, information, and belief.

Signed _____

of* _____

This day of

188

* *Postal address.*

160 *Forms prepared by the Land Commission.*

To

The Irish Land Commission.

To

The Sanitary Authority of the Poor Law,

Union of _____

To,

of

the occupier*

*** If more than one, state name and address of each.**

FORM F

LABOURERS (IRELAND) ACT, 1883.

LABOURERS (IRELAND) ACT, 1885.

*Notice requiring an Application or Order made therein
to be re-heard.*

To

The Irish Land Commission

Poor Law Union of _____

County of _____

[I]* am aggrieved by order off _____ made
on the _____ day of _____ whereby it was
ordered†

And [I] require the application, upon which said
order was made, to be re-heard before the three Land
Commissioners sitting together.

Dated this _____ day of _____ 188
and _____

To

The Irish Land Commission

To§

* Or, the Sanitary Authority of

† State Commissioner or Sub-Commission who made the order.

‡ State substance of order complained of.

§ To the opposite party or parties.

CIRCULARS.

Circulars issued by the Local Government Board, relative to the procedure under the Labourers (Ireland) Act of 1883.

LABOURERS (IRELAND) ACT, 1883.

PROVISIONAL ORDERS.

INSTRUCTIONS AS TO APPLICATIONS TO THE LOCAL GOVERNMENT BOARD FOR IRELAND FOR PROVISIONAL ORDER UNDER THIS ACT.

UPON the completion of an improvement scheme the sanitary authority shall publish advertisements and serve notices as required by section 7.*

* Particular attention should be paid to the proper statements being included in the advertisements, viz., the limits of the section to which the scheme relates—the estimated cost—the proposed area of charge—and the place where the scheme is deposited for inspection. The three newspaper advertisements should all be published in one and the same month, and the scheme should be deposited for inspection concurrently with the appearance of the first of such advertisements.

Upon compliance with the provisions of Section 7, with respect to the publication of advertisements, and the service of notices, the sanitary authority shall present a petition* to the Local Government Board, praying that a Provisional Order may be made confirming the scheme.

The petition may be presented at any time after the service of the last of the notices, but it should not be later than the first day of February next succeeding.

The petition must be accompanied by a copy of the scheme, and the maps, particulars, and estimate thereof, and it shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands.

The petition should also be accompanied by a statutory declaration showing that the requirements of sections 4 and 7, with respect to advertisements and notices,†

* "Petition." This should be written on folio foolscap paper, on one side only, be signed by the chairman of the sanitary authority and countersigned by their executive sanitary officer, and sealed with their seal.

† It will be seen that the notice to be published and the notice to be sent to each guardian under section 4, naming the day on which a representation is to be taken into consideration, must be given "not less than fourteen days" before the day of meeting. The Local Government Board have been advised that the settled rule of construction of this expression includes both terminal

and the deposit of the scheme for inspection have been properly complied with. A copy of the representation originally made to the sanitary authority should also be furnished with a certificate from the Clerk of the Union as to whether each of the signatories reside within or without the area of charge proposed in the scheme. In case the area of charge originally proposed has been so changed as to render a supplemental approval, under section 5, necessary, a copy of such approval should be furnished with a statement by the clerk of the union of the date of its reception, and whether each signatory resides within or without the area of charge.

The statutory declaration must be properly stamped, and copies of the newspapers containing the advertisements, and also of the form of notices should be annexed as exhibits.

In case of an application for a Provisional Order authorising the purchase or taking of any land otherwise than by agreements, *duplicates of the plans must be lodged in the Houses of Parliament, in accordance with the standing orders.**

days; that the day of sending the notice and the day of receiving it must both be excluded; that the fourteen days will not be completed until the end (i.e. midnight) of the fourteenth day, commencing to count on the day after the notice has been received.

*As we have already stated, provisional orders under the Labourers Acts, 1883 and 1885, need not now be confirmed by Parliament. See page 21 *ante*.

If a loan is required to carry out the scheme, application for such loan should be made when the petition is presented on the following form :—

“ LABOURERS (IRELAND) ACT, 1883.

“The Guardians of Union, acting as the rural sanitary authority, hereby make application for the sanction of the Local Government Board to a loan of £ for the Improvement Scheme, at an estimated cost of £ . The assessable value of the premises within the district in respect of which this loan is to be borrowed is £ , and the balances of all the outstanding loans contracted by the said sanitary authority and chargeable on said district amount to £ .

“The sanitary authority propose that the money should be borrowed for a period of years.

“ Given under my hand, this day of 18

Chairman of the San. Authority.

“ (Countersigned,)

Executive Sanitary Officer.”

[No. 329.—M. 83.—MISCELLANEOUS.]

LOCAL GOVERNMENT BOARD,

Dublin, 9th November, 1883.

SIR,

The Local Government Board for Ireland have received several communications from sanitary authorities relating to the plans of houses to be erected under the Labourers (Ireland) Act, 1883, and while the Board desire to interfere as little as possible with the discretion of sanitary authority in regard to the plans and designs of such houses, they think it advisable to make known to them some of the conditions which the Board will deem essential in arriving at their decision as to the sufficiency of any scheme, after the inquiry which may be held under the provisions of the 7th section of the Act.

- I. The number of rooms must be sufficient to provide for the due separation of the sexes, and there should be a kitchen and at least two bedrooms in every house.
- II. Every habitable room should have a height of not less than eight feet throughout, except in the

case of a room constructed in the roof, when one-half of the area of the room should have a clear height of seven feet.

III. Each habitable room should have one or more windows of a total area of glass of at least one-twelfth of the floor space, and all bedrooms should be floored with boards or tiles; the ground-floor should be raised not less than nine inches above the level of the external ground.

IV. A proper privy should be constructed in each case separate from the dwelling house, and distant at least ten feet therefrom; the floor should be flagged or otherwise rendered impervious, and raised at least four inches over the adjoining ground.

The plans and specifications which may be prepared by the architect or builder employed by the Sanitary authority must be handed in to the Inspector conducting the inquiry, who will submit them to the Board for their consideration and approval, but the conditions specially mentioned above will be a guide to the sanitary authority in regard to the accommodation which should

be provided in each house, and the sanitary arrangements which are deemed necessary.

By order of the Board,

W. D. WODSWORTH,

Secretary.

To the Executive Sanitary Officer
of each Rural Sanitary District.

[COPY.]

LOCAL GOVERNMENT BOARD,

Dublin, 25th October, 1883.

SIR,

Adverting to their letter of the 22nd instant, I am directed by the Local Government Board for Ireland to state that they think it advisable to afford you some further information with regard to what should be contained in an "Improvement Scheme" under the Labourers Act.

The "Maps" should show all the land to be taken in each section, the position of each house to be built, and the land to be allotted to it.

The "Particulars" should indicate generally the plan of each house, so far as to describe the number of rooms it is to contain, the estimated cost, and any other par-

ticulars which can conveniently be given; but, in the opinion of the Board, the detailed plans, elevation, and specifications need not be exhibited when the notice is published.

These detailed plans and specifications must, however, be prepared before an Inquiry is held by a Local Government Inspector under section 7.

The "Estimates" should set forth the probable cost of the whole Scheme, including purchase of lands, and all other expenses.

By order of the Board,

(Signed) W. D. WODSWORTH,
Secretary.

LABOURERS (IRELAND) ACT, 1883, AND
LABOURERS (IRELAND) ACT, 1885.

9TH SEPTEMBER, 1885.

*Memorandum of Instructions as to Applications to the
Local Government Board for Ireland for Provisional
Orders under these Acts.*

Upon the completion of an improvement scheme* the Sanitary Authority shall publish advertisements and

*It is desirable that the representation and the scheme made upon it should show clearly and distinctly whether the proposed building, or purchase, of cottages is in consequence of the number of existing cottages being deficient, having regard to the ordinary requirements of the district, or because existing cottages are unfit for human habitation, owing to dilapidation or other sanitary defects.

If it is proposed to take land to be parcelled out in allotments to be let to agricultural labourers living in a neighbouring village or town, the particulars of the arrangement contemplated should be fully described.

If the representation is made on a printed form, care should be taken to strike out of the form such portions of the printed matter as are not applicable to the circumstances of the case.

serve notices as required by Section 7* of the Act of 1883, as amended by Section 19 of the Act of 1885. The advertisements may now be published in any month of the year. The notices to owners, lessees, and occupiers of lands to be taken compulsorily, must state in the case of each parcel of land, whether it is proposed to be taken for a term of years or otherwise. Such notices should in each case require an answer within one month after the service of the notice.

Upon compliance with the provisions of Section 7 of the Act of 1883, as amended by Sections 19 and 21 of the Act of 1885, with respect to the publication of advertisements and the service of notices, the Sanitary Authority shall, on the expiration of one month at least after the service of the last of the notices, present a petition† to the Local Government Board, praying that a Provisional Order may be made confirming the scheme.

* Particular attention should be paid to the proper statements being included in the advertisements, viz.—the limits of the section to which the scheme relates—the estimated cost—the proposed area of charge—and the place where the scheme is deposited for inspection. The three newspaper advertisements should be published during three consecutive weeks in the same month, and the scheme should be deposited for inspection concurrently with the appearance of the first of such advertisements.

†“Petition.” This should be written on folio foolscap paper, on one side only, be signed by the chairman of the sanitary authority and countersigned by their executive sanitary officer, and sealed with their seal.

Where several schemes have been completed a separate petition in relation to each scheme will be necessary.

The petition must be accompanied by a copy of the scheme, and of the maps, particulars, and estimate thereof, and it shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands

Duplicates of the maps, particulars, and books of reference relative to the scheme must be deposited by the Sanitary Authority for public inspection with the clerk of every union to which each scheme relates, and the advertisement of the scheme having been made should state that they have been so deposited.

The petition should also be accompanied by a statutory declaration showing that the requirements of Sections 4 and 7 of the Act of 1883, and of Section 19 of the Act of 1885 with respect to advertisements, notices,* and the

*It will be seen that the notice to be published and the notice to be sent to each guardian under section 4 of the Act of 1883, naming the day on which a representation is to be taken into consideration, must be given "not less than fourteen days" before the day of meeting. The Local Government Board have been advised that the settled rule of construction of this expression excludes both terminal days; that the day of sending the notice and the day of receiving it must both be excluded; that the fourteen days will not be completed until the end (i.e. midnight) of the fourteenth day, commencing to count on the day after the notice has been received.

deposit of the scheme for inspection, have been properly complied with. A copy of the representation* originally made to the Sanitary Authority should also be furnished with a certificate from the clerk of the union as to whether each of the signatories is rated for the relief of the poor and resident within the area of charge named in the scheme. In case a supplemental approval of a representation and of proceedings consequent thereon becomes necessary under the circumstances stated in Section 5 of the Act of 1883, a copy of such approval should be furnished with a statement by the clerk of the union of the date of its reception, and whether each signatory is rated and resident within the area of charge. Sanitary officers' certificates † (if any), or copies of them, in support of the representation, should also be forwarded.

The statutory declaration must be stamped with a half-crown stamp, and copies of the newspapers containing the advertisements and also of the form of notices should be annexed as exhibits.

If a Loan is required to carry out the scheme, application for such Loan should be made when the petition is presented on a Form which has been prepared for the purpose, copies of which will be supplied on application to the Board by the Sanitary Authority.

Section 12 of the Act of 1885 enacts that—

* See note (*) on preceding page.

† The certificate should be specific as to each house.

“ A provisional Order of the Local Government Board for confirming an improvement scheme under the said Act (Act of 1883), or under this Act shall become absolute and shall take effect, unless :

(a.) The order authorises the purchase of any land otherwise than by agreement, or the taking of any land for a term of years otherwise than by agreement, and a petition against the order, signed by an owner or occupier of land proposed to be purchased or taken otherwise than by agreement, is lodged with the Local Government Board ; or

(b.) A petition against the order, signed by not less than twelve ratepayers liable to pay rates in respect of property situate within the area declared by such order to be chargeable, is lodged with the Local Government Board.

and that—

“ Petitions under this section may be lodged within such time, not less than one month after the making and publication of the provisional order, as the Board may, from time to time, by regulation prescribe.

The Local Government Board have accordingly made an order prescribing that petitions under the section quoted may be lodged within one calendar month after the making and publication of the provisional order.

ISSUE OF AN AMENDING PROVISIONAL ORDER.

Under Section 13 of the Act of 1885, an amending provisional order should be made declaring that the enactments contained in the said Act, relative to the taking of land for a term of years, shall apply to lands authorised to be purchased and taken otherwise than by agreement by a provisional order made before the passing of said Act and confirmed by Parliament; and such amending order may alter sites and vary the original order.

Application for such an "Amending Provisional Order" should be made by petition, adopted after due notice to each member of the Sanitary Authority, signed in the same manner as the original petition, and sealed with the Seal of the Sanitary Authority; and should be accompanied by a Schedule stating the particulars of the lands to which the amending provisional order is to apply, as set out in the original order, and of the proposed variations of sites (if any), and of proposed variations of the original order (if any).

If a petition is lodged against such amending order, it must be lodged within one calendar month after the making and publication of the order.

AMENDMENTS OF SCHEME.

Under Section 15 of the Act of 1885, a Sanitary Authority after making an improvement scheme and

before a provisional order is made thereon, may propose amendments in the scheme.

In accordance with the provisions of the section above referred to, the Local Government Board have made an order that public advertisement of such amendments shall be given by publishing the same during three consecutive weeks in two or more newspapers circulating within the jurisdiction of the Sanitary Authority.

The proposal of such amendments to the Local Government Board must be accompanied by a statutory declaration that the requirements of Section 15 of the Act of 1885 with respect to advertisements, as above, notices, and the deposit of such amendments with a map for inspection, have been properly complied with.

The notices referred to should be served during the month next following the month in which the advertisement is published, as the Local Government Board do not intend at present to prescribe any other interval.

[LOCAL GOVERNMENT BOARD, DUBLIN,

9th September, 1885.

REGULATIONS IN PURSUANCE OF "THE
LABOURERS (IRELAND) ACT, 1885."

9th September, 1885.

We, the Local Government Board for Ireland, do hereby regulate and prescribe that the time within which Petitions under the 12th Section, Sub-Section 2, of "The Labourers (Ireland) Act, 1885," against a Provisional Order for confirming an Improvement Scheme under "The Labourers (Ireland) Act, 1883," or under "The Labourers (Ireland) Act, 1885, and also Petitions against an Amending Provisional Order under Section 13 of "The Labourers (Ireland) Act, 1885," may be lodged with us in pursuance of the last-named Act, shall be one calendar month after the making and publication of the Provisional Order or Amending Provisional Order, as the case may be.

A Provisional Order or Amending Provisional Order shall (for the purpose of this regulation) be published by means of an advertisement in some two or more newspapers circulating within the jurisdiction of the Sanitary Authority who shall have obtained the Provi-

sional Order or Amending Provisional Order, stating the fact of the Provisional Order or Amending Provisional Order, as the case may be, having been made.

And we do further hereby regulate and prescribe that the public advertisement of any amendment proposed to be made in an Improvement Scheme under Section 15 of "The Labourers (Ireland) Act, 1885," shall be given by publishing the same during three consecutive weeks in two or more newspapers circulating within the jurisdiction of the Sanitary Authority who shall have resolved to propose such amendment, the first of the three advertisements to be published within one calendar month after the date of the Sanitary Authority's resolution.

Given under our Hands and Seal of Office,
this Ninth day of September, in the
Year of Our Lord One Thousand Eight
Hundred and Eighty-five.

(Signed),

HENRY ROBINSON,
CHARLES CROKER-KING,
GEORGE MORRIS.

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